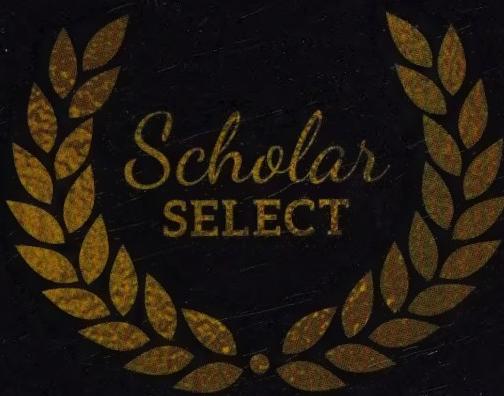


Laws Relating to the Support of Poor Persons



STATE OF MICHIGAN



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REVISION OF 1907

STATE OF MICHIGAN

LAWS RELATING TO THE

SUPPORT OF POOR PERSONS JUVENILE COURTS, ETC.

COMPILED UNDER THE SUPERVISION OF
GEORGE A. PRESCOTT
SECRETARY OF STATE



BY AUTHORITY

LANSING, MICHIGAN
WYNKOOP HALLENBECK CRAWFORD CO., STATE PRINTRS
1908

NOTE.—The section numbers in parentheses (), are compiler's sections, and are consecutive throughout this compilation. Section numbers of the compiled laws of 1897 precede each section and are indicated by the section mark (§). Notes following the sections indicate the amendments, supreme court decisions, etc. Annotated with supreme court decisions to and including the 149th Mich. report.

COMP.

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LAWS RELATING
TO
SUPPORT OF POOR PERSONS

CHAPTER I.

By Counties.

Support of poor by relatives.

By Townships.

SUPPORT OF POOR BY THEIR RELATIVES.

[R. S. 1846, Chap. 37.]

(1) § 4487. SECTION 1. The father, mother and children, being of sufficient ability, of any poor person who is blind, old, lame, impotent or decrepit, so as to be unable to maintain himself, shall, at their own charge, relieve and maintain such poor person, in such manner as shall be approved by the directors of the poor of the township where such poor person may be.

Certain persons to support poor relations.

Smith v. Supts. of Poor, 34 / 58; Supts. of Poor v. Jury, 80 / 327.
The father is not liable for his son's support to any extent after majority, unless he has become subject to the condition of a pauper and liable to be a public burden. Then he is responsible to such an extent as may be determined on a proper investigation.—*Clinton v. Laning, 81 / 359.*

(2) § 4488. SEC. 2. Upon the failure of any relative to relieve and maintain any such poor person, it shall be the duty of the superintendents of the poor of the county where such poor person may be, to apply to the circuit court for the county where such relative may dwell, for an order to compel such relief; of which application at least fourteen days' notice in writing shall be given, by serving the same personally, or by leaving the same at the dwelling place of the person to whom it may be directed, in case of his absence therefrom, with some person of sufficient age.

In case of failure, superintendents to apply to circuit court.

North v. Joslin, 59 / 648.

(3) § 4489. SEC. 3. The court to which such application may be made, shall proceed in a summary way to hear the

Court to make order.

STATE OF MICHIGAN.

proofs and allegations of the parties, and shall order such of the relatives aforesaid of such poor person, as appear to be of sufficient ability, to relieve and maintain such poor person, and shall therein specify the sum which will be sufficient for the support of such poor person, to be paid weekly.

The order which the circuit court makes is not properly a judgment and the method of enforcing it is by attachment.—Smith v. Supt's. of Poor, 34 / 58.

Order in which
relations are
liable.

(4) § 4490. SEC. 4. The said court shall also in such orders direct the relative or relatives who shall perform that duty, in the following order: The father shall be first required to maintain such poor person, if of sufficient ability; if there be no father, or he be not of sufficient ability, then the children of such poor person; if there be no such children, or they be not of sufficient ability, then the mother, if she be able to do so.

Contribution,
when to be
ordered.

(5) § 4491. SEC. 5. If it shall appear that any such relative is unable wholly to maintain such poor person, but is able to contribute towards his support, the court may, in its discretion, direct two or more relatives of different degrees to maintain such poor person, and shall prescribe the proportion which each shall contribute for that purpose; and if it shall appear that the relatives liable as aforesaid are not of sufficient ability wholly to maintain such poor person, but are liable to contribute something therefor, the court shall direct the sum, in proportion to their ability, which such relations shall severally pay weekly for that purpose.

Order, what
to specify.

(6) § 4492. SEC. 6. Such order may specify the time during which the relatives aforesaid shall maintain such poor person, or during which any of the said sums so directed by the court shall be paid, or it may be indefinite, or until the further order of the court; and the said court may from time to time vary such order, whenever circumstances shall require it, on the application either of any relative affected thereby, or of any superintendent of the poor, upon fourteen days' notice being given in the manner aforesaid.

Payment of
costs and ex-
penses.

(7) § 4493. SEC. 7. The costs and expenses of any application under the provisions of this chapter, shall be ascertained by the court, and paid by the relatives against whom any order may be made, and the payment thereof, and obedience to the order of maintenance, and to any order of such court for the payment of money as aforesaid, may be enforced by process of attachment from such court.

Action may be
brought by
superintend-
ents, in case of
neglect, etc.

(8) § 4494. SEC. 8. If any relative who shall have been required by such order to relieve or maintain any poor person, shall neglect to do so in such manner as shall be approved by the directors of the poor of the township where such poor person may be, and shall neglect to pay to the superintendents of the poor of the county, weekly, the sum prescribed by the court for the support of such poor person, the said superintendents may maintain an action against such relatives, as for moneys paid, laid out and expended, and shall recover therein the sum so prescribed by the said court for every week the said

order shall have been disobeyed, up to the time of such recovery, with costs of suit, for the use of the poor.

(9) § 4495. SEC. 9. Whenever the father, or the mother, being a widow or living separate from her husband, shall abandon, neglect or refuse to maintain his or her children, or a husband shall abandon, neglect or refuse to maintain his wife, leaving any of them chargeable, or likely to become chargeable upon the county for their support, a superintendent of the poor of the county where such wife or children may be, may seize upon and take immediate possession of the goods, chattels, effects, things in action, and the lands and tenements of any such father, mother or husband, wherever the same may be found in the said county; and the said superintendent shall make an inventory of the property so seized, a copy of which shall be left with the owner of the same, or at his or her last known place of residence, together with a notice to appear before a justice of the peace of the said county within one week after such seizure, and show cause why such seizure should not have been made. Said notice shall state the time, place, and officer before whom a hearing may be had.

Where the statute imposes a legal duty upon a parent to support his minor children, a total abandonment of a child raises an implied agency on the child's part to bind the parent for necessaries.—*Finn v. Adams*, 138 / 258.

(10) § 4496. SEC. 10. Upon the due proof of the facts aforesaid, the said justice of the peace shall indorse upon said inventory his approval of the proceedings, and the superintendents of the poor of said county shall then be vested with all the rights and title to the said property, things in action, and effects which the person so abandoning, neglecting or refusing to support as aforesaid, had at the time of seizure.

(11) § 4497. SEC. 11. All sales and transfers of any personal property of such father, mother, or husband, made by him or her, after such seizure by a superintendent, whether in payment of an antecedent debt, or for a new consideration, shall be absolutely void, and the superintendent of the poor having the matter in charge shall return the inventory of the property so seized, with his proceedings thereon, to the next circuit court for the county in which such superintendent resides.

(12) § 4498. SEC. 12. The said circuit court, upon inquiry into the facts and circumstances of the case, may confirm the said seizure, or may discharge the same; and if the same be confirmed, such court may from time to time direct what part of the personal property shall be sold, and how much of the proceeds of such sale, and of the rents and profits of the real estate, if any, shall be applied towards the maintenance of the wife and children of the person so abandoning, neglecting, or refusing such support.

(13) § 4499. SEC. 13. The superintendents shall sell at public vendue the property so ordered to be sold, and recover the rents and profits of the real estate of the person so aban-

When superintendent to seize and take estate of persons absconding.

Inventory.

Notice of hearing.

Sales by owner after seizure to be void.

Circuit court may confirm or discharge seizure.

Sale of property and application of proceeds.

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doing, neglecting, or refusing maintenance as aforesaid, and shall apply the same to the maintenance of the wife and children of the person aforesaid, and for that purpose shall draw on the county treasurer therefor, and they shall account to the said county [circuit] court for all moneys so received by them, and for the application thereof from time to time, and may be compelled by said court to render such account at any time.

When superintendents may restore property to owner.

(14) § 4500. SEC. 14. Whenever a party whose property has been seized by a superintendent of the poor, shall come forward and give such security as shall be approved by two of the superintendents of the poor of such county, that the wife or children of such party shall not become, or thereafter be chargeable to the county, then the property so seized and remaining unappropriated, or the proceeds thereof, after deducting the expenses of the proceedings aforesaid, shall be restored to such party.

Pauper's personal property sold.

(15) § 4501. SEC. 15. When any personal property, other than personal clothing, shall have been brought to the poorhouse with any pauper, and the same shall come into the hands of the superintendents of the poor, it shall be competent for the superintendents of the poor, on application to any justice of the peace of the county in which said poorhouse is situated, on proof of the facts before said justice, to obtain an order for the sale of any personal property that such pauper may own, at public auction, of all or any of such personal property, for the support of such pauper; whereupon, it shall be competent for such superintendents of the poor to sell the same at public auction, giving the same notice as is required on constable's sales, and the proceeds of said sale shall be placed by said superintendents in the treasury of the county. It shall be lawful for the person to whom said property shall belong at the time of said sale, when he shall cease to be a county charge, to apply for the payment of the proceeds thereof to said superintendents of the poor, who are authorized to draw their order on said treasurer for so much of such amount as shall not have been expended for the maintenance of said owner or his family, and said treasurer shall pay the same to the person entitled thereto: Provided, That in no case shall the property of any insane pauper be sold, until the disease of such pauper shall be pronounced by the medical superintendent of the state insane asylum to be a case of incurable insanity.

How sold.

Proceeds.

Right to proceeds released.

Proviso.
Incurable
insanity.

SUPPORT OF POOR BY COUNTIES.

AN ACT to revise and consolidate the several acts relating to the support and maintenance of poor persons.

[Act 148, S. L. 1809.]

The People of the State of Michigan enact:

(16) § 4502. SECTION 1. That every poor person who is blind, old, lame, sick, or decrepit, or in any other way disabled, or enfeebled, so as to be unable to maintain himself, and who shall not be relieved or maintained by his relatives, as provided in chapter thirty-seven, of the revised statutes of eighteen hundred and forty-six, shall be maintained by the county in which he may be, according to the following provisions.

Chapter 37 referred to is sections 1-15 preceding.
Where a family remove from a county in which they have received aid as indigent persons and make their home in another county, the latter county is chargeable with their subsequent support, unless they were removed or enticed from their former home with a view to cast off their support on another county.—*Supts. of Poor v. Supts. of Poor*, 130 / 247. Where a woman with several children was deserted by her husband after moving into a certain county with him, and needed help in supporting herself and children, it was the duty of the poor authorities of such county to furnish her with aid.—*Livingston County v. Oakland County*, 141 / 667. See *Jackson County v. Hillsdale Co.*, 124 / 17.

Poor persons,
when to be
maintained
by county.

(17) § 4503. SEC. 2. It shall be the duty of the supervisors of each county at their annual meeting in the year eighteen hundred and sixty-nine to appoint three discreet electors of such county to be superintendents of the poor within the same; one for the term of one year, one for the term of two years, and one for the term of three years, and at their annual session in each year thereafter they shall appoint one superintendent, who shall hold his office for the term of three years, and until his successor is appointed and qualified; but the term of office of each and every superintendent, so appointed and qualified after the passage of this act, shall commence on the first day of January next succeeding his appointment, and one at least of the superintendents so appointed shall be a resident of the place where the county seat is located: Provided, That in case of a vacancy caused by the death or removal of either of said superintendents, or otherwise, the said vacancy may be temporarily filled by an appointment made by the judge of probate of such county by an order duly entered upon the record of his court upon petition of the remaining members of said board of superintendents showing such vacancy, and that the board of supervisors is not then in session, and [by an order duly entered upon the record of his court.] which superintendent so appointed shall hold office until the next meeting of the board of supervisors. The supervisors shall, at their first meeting held after such vacancy occurs, appoint a successor for the unexpired term.

Supervisors to
appoint super-
intendents of
the poor.

Term of office.

Proviso rela-
tive to
vacancies.

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Before entering upon the duties of his office each superintendent shall take the oath of office prescribed in the eighteenth article of the constitution and file the same in the office of the county clerk.

Jackson v. James, 74 / 734.

Majority may transact business.

Compensation.

(18) § 4504. SEC. 3. A majority of the persons so appointed shall be at all times competent to transact business, and to execute any powers vested in the board of superintendents, and they shall be allowed such sum for their actual attendance and services as the board of supervisors of the county shall deem reasonable, but not less than one dollar and fifty cents for each day's service, and in addition to their actual and necessary expenses.

Two of the three superintendents of the poor of a county possess the power of the board, whenever they unite in action.—*Osborne v. Supts. of Poor, 26 / 66.*

To be a corporation.

Powers as such.

Meetings, where held.

(19) § 4505. SEC. 4. They shall be a corporation, by the name of the superintendents of the poor of the county for which they shall be appointed, and shall possess the usual powers of a corporation for public purposes, and they shall meet as often as the board of supervisors of the county shall direct, at the county poorhouse, if there be one, and if not, then at the place of holding the circuit court in their county, and at such other times and places as they shall deem necessary.

Supts. of Poor v. Nelson, 75 / 160.

Powers and duties.

To have charge of county poor-houses.

To ordain rules.

To employ keepers.

To purchase materials.

(20) § 4506. SEC. 5. They shall have the general superintendence of all the poor who may be in their respective counties, and shall have power, and it shall be their duty:

First. To have charge of the county poorhouse that has been or shall be erected, and to provide suitable places for the keeping of such poor, when so directed by the board of supervisors, when houses for that purpose shall not have been erected by the county; and for that purpose to rent a tenement or tenements, and land not exceeding eighty acres, and to cause the poor of the county to be maintained at such places;

Second. To ordain and establish prudential rules, regulations, and by-laws, and for the government and good order of such places so provided, and of the county poorhouses, and for the employment, relief, management, and government of the persons therein placed;

Third. To employ one or more suitable persons to be keepers of such houses or places, and all necessary officers and servants; and to vest in them such powers for the government of such houses as shall be necessary, reserving to the paupers, who may be placed under the care of such keepers, the right to appeal to the superintendents;

Fourth. To purchase the furniture, implements, provisions, and materials, that shall be necessary for the maintenance of the poor and their employment and labor, and to sell and

dispose of the proceeds of such labor as they shall deem expedient: Provided, That no furniture, implements, provisions, or materials, shall be purchased of a superintendent of the poor; and any superintendent being the owner of any such furniture, implements, provisions, or materials, sold to, or purchased by such superintendents, or interested directly or indirectly in the profits on any such furniture, implements, provisions, or materials, by commission or otherwise, shall forfeit his interest in the same; and in addition to such forfeiture, a penalty of fifty dollars for each and every violation of the prohibitions and terms of this proviso is hereby imposed, to be collected by and in the name of the county treasurer, in the same manner as the forfeiture provided for, and by section twenty-five of the act to which this act is amendatory;

Fifth, To prescribe the rate of allowance to be made to any person for bringing paupers to the county poorhouse, or place provided for the poor, which amount shall be paid by the county treasurer, on the production of a certificate signed by the chairman and countersigned by the secretary of the board of superintendents;

Sixth, To commence any suit wherein they may be entitled to prosecute upon any recognizance, bond, or security taken for the indemnity, of any township or of the county, and prosecute the same to effect;

Seventh, To draw, from time to time, on the county treasurer, for all necessary expenses incurred in the discharge of their duties, which draft shall be paid by him out of the moneys placed in his hands for the support of the poor;

Eighth, To render to the board of supervisors of their county at their annual meeting, a detailed account of all moneys received and expended by them, or under their directions, and of all their proceedings;

Ninth, To pay over all moneys belonging to the county, remaining in their hands, to the county treasurer, within fifteen days after receiving the same.

POWERS AND DUTIES: The superintendents of the poor have charge of all the poor "who may be" in their county and it is their duty to cause them to be maintained at the place designated by the board of supervisors, and if no place has been designated, or poor-house erected, then, to designate the place and lease property for that purpose, (subd. 1.) They may also draw upon the county treasurer for such necessary expenses as may be incurred for that purpose. (subd. 7.) —*Supts. of Poor v. Nelson*, 73 / 150-60. They have power to provide suitable places for the keeping of the poor and to rent houses and lands and to cause the poor to be maintained at such places. They have power to purchase the implements and materials necessary for the maintenance of the poor and their employment and labor and to sell and dispose of the proceeds of such labor as they shall deem expedient.—Rowland v. *Supts. of Poor*, 49 / 536.

AUDIT OF CLAIMS: See *Morrison v. Kent*, 135 / 38.

(21) § 4507. SEC. 6. The board of supervisors of any county in this state in which a county poorhouse is not already erected, may, at any annual or special meeting thereof, determine to erect such a house for the reception of the poor of their county; and upon filing such determination with the clerk of the county, they may direct the superintendents

Proviso prohibiting the purchase of materials of superintendent.

To prescribe rate of allowance for bringing paupers to poorhouse.

To prosecute suits.

To draw on county treasurer for expenses.

To render annual accounts.

To pay over moneys.

Power of board of supervisors to purchase land and erect county poorhouse.

STATE OF MICHIGAN.

of the poor of such county to purchase one or more tracts of land, not exceeding three hundred and twenty acres, and to erect thereon one or more suitable buildings for the purpose aforesaid.

Expense of
purchase, etc.
may be raised
by tax.

Limit to same.

How assessed
and paid.

When person
to be removed
to county poor-
house.

Temporary
relief to poor
person.

Limit of
amount so
furnished.

Care and
relief of poor
at poorhouse.

Supervisor
shall report to
superintend-
ents.

(22) § 4508. SEC. 7. To defray the expenses of such purchase and buildings, the said board of supervisors may raise by tax on the taxable real and personal property within the same county, a sum not exceeding twelve thousand dollars, in such installments, and at such times as they may judge expedient; and such tax shall be raised, assessed, and collected in the same manner as the other county charges, and shall be paid by the county treasurer, upon the order of the superintendents of the poor, to be applied for the purposes aforesaid.

(23) § 4509. SEC. 8. When any poor person or persons shall apply for relief to a county superintendent of the poor, or to the supervisor of any township, city or ward, the said superintendent of the poor, or supervisor, shall make immediate personal inquiry into the state and circumstances of the applicant; and if it shall appear that the person so applying is in such indigent circumstances as to require permanent relief and support, and can be safely removed, such superintendent or supervisor shall, by a written order, cause such poor person to be removed to the county poorhouse, to be received and provided for as his necessities may require; but if it shall appear that any such poor person so applying for relief, requires but temporary or partial support, or is so sick, lame, or otherwise disabled that such person cannot be safely or conveniently removed to the poorhouse, then the superintendent or supervisor may cause provisions to be made, under his own direction, for the temporary or partial relief and support of such poor person, which support, when furnished by a supervisor, shall in no case exceed the sum of twenty dollars in any one year, unless by the consent in writing of a county superintendent of the poor.

TEMPORARY RELIEF: It was held that in granting temporary relief and in determining who are proper subjects of temporary and permanent relief, a single member of the board possesses the whole power of the board, limited, probably, by an express dissent of a majority of the board in any particular case.—*Hewitt v. Supts. of Poor*, 5/166. *Nature and extent of relief—Barber v. Saginaw*, 34/52. See *La Grange Twp. v. Cass County*, 115/181.

(24) § 4510. SEC. 9. Every such person so removed shall be received by the keeper of the county poorhouse, and shall be supported and relieved therein, under the direction of the superintendents, until it shall appear to them that such person is able to maintain himself, when the said superintendents may in their discretion, discharge him.

(25) § 4511. SEC. 10. In all cases where relief has been afforded as provided in section eight of this chapter, said supervisor shall, within ten days, make in writing to the superintendents of the poor of the county, a report of his doings in every case of relief so afforded, specifying the

articles furnished, and the value of each item thereof, and the names of the persons relieved, and shall also file a copy of said report with the clerk of the township or city, or city recorder where such supervisor resides, and the said supervisor shall make to the board of supervisors at their annual meeting a statement in writing showing the number of persons to whom such temporary relief has been granted, and the names of such persons, and the amount granted to each with the items of such expenditures and also the number of persons, with the names of each, removed to the county poorhouse from each township and city by the order of the supervisors of such township or city, and the date of such removal.

*Also to; board
of supervisors.*

(26) § 4512. SEC. 11. The supervisor of the township, city, or ward shall be entitled to receive from the superintendents of the poor, an order on the county treasurer for any sum which he may have paid out or contracted to pay, within the amount specified in section eight; but no greater sum than twenty dollars shall be so expended or paid for relief of any one person or one family, without the sanction in writing of the superintendents of the poor of the county; and such supervisor shall be entitled to a compensation of one dollar and fifty cents for each day, and at the same rate for parts of a day actually and necessarily devoted by him to the care of such poor person.

*Supervisor to
receive order
on county
treasurer for
sums paid.*

Limit.

*Per diem of
supervisor
when caring
for the poor.*

Act 98 of 1907 provides, that the supervisor shall be entitled to a compensation of three dollars per day for taking the assessment and for all services not connected with certain boards.

(27) § 4513. SEC. 12. The superintendents may provide support of idiots or lunatics, out of the county poorhouse, at such place and in such manner as shall best promote the interests of the county and conduce to the comfort and recovery of such paupers. It shall be the duty of the superintendents to send to the hospitals of the university of Michigan, at Ann Arbor, under such conditions and regulations as the regents of said university and said superintendents may agree upon, any and all persons in their respective counties, who by reason of any severe physical injury may have become county charges, and who are liable to remain county charges, unless special skill and facilities are employed in their treatment, also all persons who are county charges, because of acute disease or as the result of physical injuries, who require capital operations to preserve life. The expense of transportation to and from said hospitals and maintenance therein shall be a county charge: Provided, *Proviso.* That there shall be no charge at said hospitals for medical or surgical treatment: And Provided further, That no patient shall be sent to the said hospitals by the superintendents except on the written recommendation of the physician having charge of the inmates of any poorhouse: And Provided further, That whenever obstetrical wards are established in said hospitals, the said superintendents may make special con-

*who may be
sent to hospi-
tal at Ann
Arbor.*

tract with the regents of the university for the care and treatment of such obstetrical cases as are a public charge in their respective counties.

Penalty for bringing into counties paupers from other counties.

(28) § 4514. SEC. 13. Any person who shall send, carry, transport, remove, or bring, or who shall cause or procure to be sent, carried, transported, removed, or brought, any poor or indigent person, from any township, village, city, or county, into any other township, village, city or county, or from any other state or country, into any county in this state, without legal authority, and there leave such poor person, or who shall entice such poor person so to remove, with the intent to make such county to which the removal shall be made chargeable with the support of such pauper, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be imprisoned in the county jail not exceeding three months, or fined not exceeding one hundred dollars, or both such fine and imprisonment, in the discretion of the court.

Nowhere is there any provision which attempts to prohibit poor people from remaining in any particular county, or to provide for a liability on the part of one county for the support of such poor person who has voluntarily sought another abode.—Kalkaska Co. v. Grand Traverse Co., 120 / 249. The intent with which the removal was brought about is a very important item. It would be necessary, in order to secure conviction under this section, to show that the intent existed to make the county to which the removal was made chargeable with the support of the pauper. A like intent must be shown before the poor authorities from which the pauper came can be charged with his or her support.—Livingston Co. v. Oakland Co., 141 / 671.

Paupers so removed to be cared for and notice sent to superintendent of proper county.

(29) § 4515. SEC. 14. The pauper so brought, removed or enticed, shall be maintained and provided for by the superintendents of the poor of the county where he may be, and the said superintendents may give notice to either of the superintendents of the poor of the county from which such pauper removed, or was brought or enticed, informing them of such improper removal, and requiring them forthwith to take charge of such pauper.

An incompetent person living with her foster parents for many years, acquires a residence at the place of their domicile, which she does not lose by working for a person in another county under a contract of employment made by her guardian.—People v. Barlow, 134 / 394. It is no defense to a prosecution against the keeper of a county house for the illegal removal of a pauper to another county, that such removal was in obedience to the order of the superintendents of the poor.—*Idem*, 134 / 395.

Superintendent receiving notice to pay expenses, etc., or deny allegation of removal.

(30) § 4516. SEC. 15. The superintendents to whom such notice may be directed shall, within thirty days after the service thereof, take and remove such pauper to their county, and pay the expenses incurred in giving such notice, and in maintaining such pauper from the time of his becoming a charge to the county in which he is maintained; or they shall within the time aforesaid, notify the superintendents from whom such notice was received, or either of them, that they deny the allegation of such improper removal or enticing.

Superintendents admitting to remove pauper, or give notice of denial shall be liable for expenses.

(31) § 4517. SEC. 16. If the superintendents to whom a notice shall have been given, as provided in the fifteenth section of this act, shall omit to take and remove such pauper as shall neglect to notify such denial within the time aforesaid, they shall be liable for said expenses so long as such pauper

shall remain a charge; and an action for such expenses may be maintained, from time to time, by and in the name of the superintendents incurring the same, or their successors in office, against the superintendents so made liable, and their successors in office.

(32) § 4518. SEC. 17. Upon receiving any such notice of denial, as aforesaid, the superintendents upon whom the same may have been served shall, within three months thereafter, commence an action against the superintendents of the poor of the county to whom the first notice was directed, for the expenses of supporting such pauper, as for moneys paid, laid out, and expended, and shall prosecute the same to effect; and if such action be not commenced within the time aforesaid, the same shall be forever barred, and no action shall thereafter be brought for expenses incurred in supporting or maintaining such pauper.

(33) § 4519. SEC. 18. No supervisor of any township, mayor, or alderman of any city, prosecuting attorney of any county, county clerk, or county treasurer, shall be appointed to, or hold the office of superintendent of the poor.

(34) § 4520. SEC. 19. The keeper of every poorhouse shall be exempt from all service in the militia, and from serving on juries, during the time he shall be such keeper.

(35) § 4521. SEC. 20. The place which shall be provided for the reception of the poor by the county superintendents, pursuant to the provisions of this act, shall in all cases be deemed to be the county poorhouse; and all the provisions of this act, applicable to county poorhouses, shall extend and apply to such places.

(36) § 4522. SEC. 21. Whenever there shall be in any county ten or more paupers, over five and under eighteen years of age, the superintendents of the poor of such county shall cause the same to be taught and educated in an apartment of the county poorhouse, to be fitted up for that purpose, if it shall be convenient, and if not, then in some building or apartment to be provided by them for that purpose; and there shall be taught in such school the branches usually taught in the primary schools of this state; and the superintendents are required to provide for the education of such paupers for at least one-half of the time they shall be under their charge, and the expense thereof shall be paid in the same manner as other contingent expenses are paid for the support of such paupers: Provided, That when the number of such persons shall be less than ten, then the said superintendents shall make such provision for their education as to them shall seem just and proper.

(37) § 4523. SEC. 22. Any person who shall bring or remove, or cause to be brought or removed, any poor or indigent person, from any place without this state, into any county within it, with intent to make such county chargeable with the support of such paupers, shall forfeit and pay fifty dollars, to be recovered before any justice of the peace of the county into

When notice
of denial is re-
ceived, action
shall be com-
menced for
expense of
support.

when action
barred.

Who not to be
superintend-
ent.

Keepers ex-
empt from
militia
service.

What places
to be deemed
poorhouses.

Education of
pauper chil-
dren.

What
branches to
be taught.
Expenses,
how paid.

Proviso.

Penalty for
removing
pauper from
another state.

which such pauper shall be brought, or in which the offender may be; and shall also be obliged to convey such pauper out of the state, or support him at his own expense.

Supts. of Poor v. Nelson, 73 / 161; Luton v. Judge, 70 / 152.

Magistrate
may require
security.

Punishment
for refusal to
give security.

Moneys to be
paid to county
treasurer.

On neglect,
how same
recovered.

Liability of su-
perintendent
for neglect to
account.

Estimates for
yearly ex-
penses.

Collection of
same.

Accounts of
supervisors
and justices,
how audited
and paid.

(38) § 4524. SEC. 23. It shall be lawful for the justice or court before whom such person shall be convicted for a violation of the provisions of the preceding section, to require of such person satisfactory security, that he will, within a reasonable time, to be named by the justice or court, transport such person out of the state, or indemnify such county for all charges and expenses which may have been, or may be incurred in the support of such pauper; and if such person shall neglect or refuse to give such security when required, it shall be the duty of the justice or court to commit him to the county jail for a term not exceeding three months.

(39) § 4525. SEC. 24. All moneys which shall be collected by any superintendent, or by the supervisor of any township, city or ward, or received by any of them on any bond or other security given for the benefit or indemnity of any county, or of any township, city or ward, and all other moneys which shall be received by such superintendent or supervisor for the benefit of the poor, shall be by them paid over within fifteen days after the receipt of the same, to the county treasurer; and if not so paid, the same may be recovered in an action as for money had and received, to be brought by and in the name of the county treasurer, with interest at the rate of ten per cent, from the time the same shall [should] have been paid over.

(40) § 4526. SEC. 25. Every superintendent who shall neglect or refuse so to render an account or statement, or to pay over any moneys as required in this act, shall forfeit the sum of two hundred and fifty dollars, and shall also be liable to an action by and in the name of the county treasurer, as for moneys had and received, for all moneys which may be in his hands after the expiration of his term of office, with interest thereon from the time when the same ought to have been paid over.

(41) § 4527. SEC. 26. The superintendents of the poor in each county shall present to the board of supervisors at their annual meeting in each year, an estimate of the sum which, in their opinion, will be necessary during the ensuing year for the support of the county poor; and the said supervisors shall cause such sum as they may deem necessary for that purpose to be assessed, levied, and collected in the same manner as the other contingent expenses of the county, to be paid to the county treasurer, and by him to be kept as a separate fund, distinct from the other funds of the county.

(42) § 4528. SEC. 27. The accounts of the supervisors and of justices of the peace, for any personal or official services rendered by them in relation to the poor, shall be audited and

settled by the superintendents, and be paid on their order by the county treasurer; but no allowance shall be made to any officer for attending any board with accounts, for the purpose of having the same audited or paid.

(43) § 4529. SEC. 28. It shall be the duty of the superintendents of the poor of each county, on or before the twentieth day of October in each year, to report to the secretary of the state, for the year ending on the thirtieth day of September next preceding, and in such form as such secretary shall direct, the condition of such poorhouse during the preceding year; which report shall contain a statement of the number of paupers, insane, idiots, blind, mutes, and the average number of each class maintained during the preceding year; also the cost of supporting such persons in the poorhouse; the salary of the keeper thereof; the amount paid for medical attendance; the estimated amount earned by paupers, and their nationality; the amount paid for the transportation of paupers; the amount paid to supervisors for services; the amount paid to superintendents of the poor; the number of persons who have received temporary relief outside [of] the poorhouse during the year; and the amount paid for such relief; the value of county farms, including buildings; the value of all personal property belonging or attached to such poorhouse and farm, and the income received from the county farm. Such report shall also contain a statement of the general condition of the farm house and other buildings, the manner in which paupers are treated, how they are fed, clothed, and in what manner such persons are cared for; how the insane and idiots are kept, and what are their accommodation and treatment; how the pauper children are educated; what the facilities are for bathing, heating and ventilation, and to include all other information necessary to give a complete account of the condition of such poorhouse.

Rowland v. Supts. of Poor, 40 / 558.

(44) § 4530. SEC. 29. Any superintendent who shall neglect or refuse to make such report as aforesaid, or who shall wilfully make any false report, shall forfeit one hundred dollars; and the secretary of state shall give notice to the prosecuting attorney of the county of every such neglect or refusal, or misconduct.

(45) § 4531. SEC. 30. The secretary of state shall annually lay before the legislature, during the first month of its session, an abstract of said report.

(46) § 4532. SEC. 31. The provisions of this act shall not apply to the city of Detroit.

SUPPORT OF POOR BY TOWNSHIPS.

Where distinction between town and county poor is not abolished.

(47) § 4533. SEC. 32. In those counties in which the distinction between township and county poor shall not be abolished by the board of supervisors, the poor having a settlement in any township in such counties shall be supported at the expense of such township, and the poor not having such settlement shall be supported by the county in which they may be, as hereinbefore provided.

The law raises an implied promise on the part of a township chargeable with the support of a pauper to furnish such support and the township is liable for necessities furnished such pauper, after due notice to the supervisor and his neglect or refusal to furnish support.—*Eckman v. Brady Twp.*, 81 / 73. See *La Grange Twp. v. Supts. of Poor*, 115 / 181; *Kalkaska Co. v. Grand Traverse Co.*, 120 / 249; *Jackson Co. v. Hillsdale Co.*, 124 / 18.

Who deemed settled in townships.

(48) § 4534. SEC. 33. Every person of full age, who shall have been a resident and inhabitant of any township for one year, and the members of his family who shall not have gained a separate settlement, shall be deemed settled in such township. A minor may be emancipated from his or her father, and may gain a settlement:

First, If a female, by being married and living one year with her husband, in which case the husband's settlement shall determine that of the wife;

Second, If a male, by being married and residing separately from the family of his father;

Third, By being bound as an apprentice, and serving one year by virtue of such indentures;

Fourth, By being hired, and actually serving for one year for wages to be paid such minor.

Jackson Co. v. Hillsdale Co., 124 / 18.

Settlement of paupers.

(49) § 4535. SEC. 34. A woman of full age, by marrying, shall acquire the settlement of her husband, if he have any; and until a poor person shall have gained a settlement in his own right, his settlement shall be deemed that of his father or mother; but no child born in any place used and occupied as a residence for the poor of the township, city or county, shall gain any settlement merely by reason of the place of such birth; nor shall any child, born while the mother is a county pauper, gain any settlement by reason of the place of its birth; and no residence of any person as a pauper, in the county poorhouse, or place provided for the support of the poor in any township, while supported at the expense of any township or county, shall operate to give such pauper a settlement in the township where such actual residence may be had.

Where paupers to be supported.

(50) § 4536. SEC. 35. No person shall be removed as a pauper from any city or township to any other city or township of the same or any other county, nor from any county to any other county, but every poor person shall be supported in the township, city, or county where he may be, as follows:

First, If he has gained a settlement in any township or city

in such county, he shall be maintained by such township or city;

Second, If he has not gained a settlement in the county in which he shall become poor, sick or infirm, he shall be supported by the superintendents of the poor, at the expense of the county;

Third, If such person be in a county where the distinction between township and county poor is abolished, he shall in like manner be supported at the expense of the county, and in both of the cases aforesaid, proceedings for his relief shall be had as hereinbefore provided;

Fourth, If such pauper shall be in a county where the respective townships are liable to support their poor, and has gained a settlement in some other township or city of the same county than that in which he may then be, he shall be supported at the expense of the township or city where he may be, and the supervisor shall give notice in writing to the supervisor of the township, or the director of the poor of the city, to which such pauper shall belong, or to one of them, requiring them to provide for the relief and support of such pauper.

Eckman v. Brady Twp., 81 / 73; La Grange Twp. v. Supts. of Poor, 115 / 183; Jackson Co. v. Hillsdale Co., 124 / 10.

(51) § 4537. SEC. 36. If within ten days after the service of such notice, the supervisor or director of the poor to whom the same was directed, shall not proceed to contest the allegation of the settlement of such pauper, by giving the notice hereinafter directed, such supervisors or director of the poor, their successors, and the township or city which they represent, shall be forever precluded from contesting or denying such settlement. Such supervisor or director of the poor may, within the time aforesaid, give notice in writing to the supervisor of the township, or the director of the poor of the city where such pauper may be, that he will appear before the superintendents, at a place, and on a day therein specified, which day shall be at least ten days, and not more than thirty days from the time of the service of such notice, to contest the said alleged settlement. The county superintendents are hereby authorized, for such purposes, to issue subpoenas to compel the attendance of witnesses, and to administer oaths in the manner, and with the same power to enforce such process, as is given justices of the peace in any matter cognizable by them. Their decisions shall be filed in the office of the county clerk within thirty days after they are made, and shall be conclusive and final upon all parties interested.

(52) § 4538. SEC. 37. The county superintendents shall convene whenever required by any supervisor, pursuant to such notice, and shall proceed to hear and determine the controversy, and may award costs, not exceeding ten dollars, to the prevailing party, which may be recovered in any action before a court of competent jurisdiction.

When town-
ship, etc., pre-
cluded from
contesting
settlement.

Notice of ap-
pearance be-
fore superin-
tendents.

Attendance of
witnesses.

Decision to
be filed with
county clerk.

When superin-
tendents to
convene to
hear the
controversy.

Supervisor on receiving notice may take and maintain pauper.

Proceedings when he omits so to do.

When support charged to county.

Notice to be given when expenses of a county pauper to be charged to township.

Decision of board of superintendents, where recorded.

Effect of original or copy.

Separate account with townships.

(53) § 4539. SEC. 38. The supervisor of the township in which it may be alleged any pauper has gained a settlement, may at any time after receiving such notice requiring him to provide for such pauper, take and receive such pauper to his township, and there support him. If he omit to do so, or shall fail to obtain the decision of the county superintendents, so as to exonerate him from the maintenance of such pauper, the charge of giving such notice, and the expenses of maintaining such pauper, after being allowed by the county superintendents, shall be laid before the board of supervisors at their annual meetings, from year to year, as long as such expenses shall be incurred; and the supervisor shall annually add the amount of the said charges to the tax to be laid upon the township to which the pauper belongs, together with such sum in addition thereto as will pay the township incurring such expenses the lawful interest thereon, from the time of expenditure to the time of payment, which sums shall be assessed, levied, and collected in the same manner as the other contingent expenses of such township. The said moneys when collected, shall be paid to the county treasurer, and be by him credited to the account of the township which incurred the said expense.

(54) § 4540. SEC. 39. The support of any pauper shall not be charged to the county without the sanction of the superintendents. If a pauper be sent to the county poorhouse, or place provided for the poor, as a county pauper, the superintendents in those counties where the respective townships are required to support their own poor, shall immediately inquire into the fact, and if they are of opinion that such pauper has a legal settlement in any township of the said county, they shall, within thirty days after such pauper shall have been received, give notice to the supervisor of the township to which such pauper belongs, that the expenses of his support will be charged to such township, unless the said supervisor, within such time as the said superintendents shall appoint, not less than twenty days thereafter, show that such township ought not to be so charged. And on the application of the said supervisor, the superintendents shall re-examine the matter, and take testimony in relation thereto, and shall decide the question, which decision shall be final.

(55) § 4541. SEC. 40. The decisions of the board of county superintendents, in relation to the settlement of any paupers, or to their being a charge upon the county, shall be entered in books to be provided for that purpose, and certified by the signatures of such of the said superintendents as make such decisions; and a duplicate thereof, certified in the same manner, shall be filed in the county clerk's office within thirty days after the making of any such decision. Such original, or a copy thereof, duly certified, shall be conclusive evidence of the facts therein contained.

(56) § 4542. SEC. 41. In those counties where the respective townships are required to support their poor, the county

treasurers thereof shall respectively open and keep an account with each township, in which the township shall be credited with all the moneys received from the same, or from its officers, and shall be charged with the expense actually incurred by the superintendents for the support of such of the township poor as may be supported at the county poorhouse, and chargeable to such township, if there be a county poorhouse or other place provided in such county for the support of the poor; and the superintendents of the poor of the county shall, in each year, before the annual meeting of the board of supervisors of such county, furnish to the county treasurer a statement of the sums charged by them, as hereinafter directed, to the several townships for the support of their poor at the county poorhouse, as aforesaid, which shall be charged to each township respectively by the county treasurer in his accounts: Provided, That in determining the amount of such expense, no estimate shall be made of the original expense incurred in the purchase or building of such poorhouse, and the real estate belonging therewith, and the permanent and valuable improvements made thereon.

(57) § 4543. SEC. 42. In those counties in which a poorhouse shall be established, or a place provided by the superintendents for the reception of the poor, and in which the several townships shall be liable for the support of their poor therein respectively, it shall be the duty of the superintendents annually, and during the week preceding the annual meeting of the board of supervisors, to make out a statement of all the expenses incurred by them the preceding year, and of the moneys received, and exhibiting the deficiency, if any, in the funds provided for the defraying of such expenses; and they shall apportion the said deficiency among the said several townships, in proportion to the number and expenses of the paupers belonging to the said townships respectively, in the manner provided for in the preceding section, who shall have been supported at the county poorhouse, and shall charge said deficiencies to the townships liable therefor; which statement shall be by them delivered to the county treasurer, as before directed.

(58) § 4544. SEC. 43. At the annual meeting of the board of supervisors, the county treasurer shall lay before them the account so kept by him; and if it shall appear that there is a balance against any township, the said board shall add the same to the amount of taxes to be levied and collected upon such township, with the other contingent expenses thereof, together with such a sum for interest, at the rate of seven per centum per annum, as will reimburse and satisfy any advances that may be made, or that may have been made from the county treasurer for such township, which moneys, when collected, shall be paid to the county treasurer.

(59) § 4545. SEC. 44. On the Tuesday next preceding the annual township meeting of every township, the supervisors of their respective towns shall lay the said original books before

Annual statement by superintendents to county treasurer.

Annual statement of receipts and expenditures at poorhouse.

Apportionment of deficiency.

County treasurer shall present account to board of supervisors at annual meeting.

When supervisors to present original books to town board.

the township board, together with a just and true account of all moneys by them received and expended for the use of the poor, and in what manner, together with an account of the earnings of the poor persons by them employed, which account shall be verified by the oath of the supervisor, and shall be filed with the township clerk. The township board shall compare the said account with the entries in the poor books aforesaid, and examine the vouchers in support thereof, and shall audit and settle the same, and state the balance due from such supervisor, or to them, as the case may be. No credit shall be allowed to any supervisor for moneys paid, unless it shall appear that such payment was made pursuant to a legal order.

Town board to compare accounts.

When credit allowed to supervisors.

By act 149 of 1905, the date of the annual meeting of the township board was changed to the second Tuesday preceding the annual township meeting.

Penalty for neglect to exhibit accounts.

(60) § 4546. SEC. 45. Every such supervisor who shall refuse or neglect to present such original books, or to exhibit such accounts to the township board, as required in the preceding section, shall forfeit the sum of two hundred and fifty dollars, to be recovered by and in the name of the treasurer of such township.

Duty of township clerk at annual township meeting.

(61) § 4547. SEC. 46. In those counties where the respective townships are made liable for the support of their poor, it shall be the duty of the township clerk to examine, at the annual township meetings, the accounts for the support of the poor therein the preceding year, as the same shall have been allowed and passed by the township board, which accounts shall be openly and distinctly read by the clerk of the meeting; and the supervisors of their respective towns shall also present an estimate of the sum which they shall deem necessary to supply any deficiency of the preceding year, and to provide for the support of the poor for the ensuing year.

Estimate by supervisor.

Electors to determine amount to be assessed for support of poor.

(62) § 4548. SEC. 47. The inhabitants of such township shall thereupon, by a vote of a majority of the persons qualified to choose township officers, determine upon the sums of money which shall be assessed upon the said township the ensuing year for the purpose aforesaid. The sum so voted, when raised and collected, shall be paid into the township treasury, subject to the order of the township board.

Harding v. Bader, 73/320; Eckman v. Brady Twp., 81/73.

Relative to payment for services of supervisors and justices.

(63) § 4549. SEC. 48. The accounts of such supervisors and justices of the peace, for any personal or official services rendered by them in relation to the poor, except county paupers, shall be audited and settled by the township boards of their respective townships, and the sums so audited and allowed shall be paid by the township treasurer. No allowance for time or services shall be made to any officer for attending any board with any accounts, for the purpose of having the same audited or paid.

(64) § 4550. SEC. 49. Whenever it shall be made to appear to the satisfaction of any supervisor, either upon complaint or otherwise, that a penalty has been incurred by the violation of any provisions of the laws of this state, which such supervisor is required by law to collect, it shall be his duty immediately to commence a suit for such penalty, and to prosecute the same diligently to effect.

(65) § 4551. SEC. 50. In auditing the accounts of any supervisor, by the proper township board, allowance shall be made to such supervisor for all costs to which he may have been subjected, or which may have been recovered against him, in any suit brought by him pursuant to law; and he shall also be allowed the same daily [pay] for attending to any such suit, as is allowed him for the performance of his official duties.

(66) § 4552. SEC. 51. Such allowances may be credited to them, in their accounts for moneys collected for penalties, and may be deducted from such moneys; and the balance of such penalties shall be paid over to the township or county treasurer, as directed by law, in respect to such penalties.

(67) § 4553. SEC. 52. It shall be the duty of the supervisors of such townships which make their poor a township charge, on or before the first day of April in each year, to report to the township board of their respective townships, in such form as they shall direct, the number of paupers that have been relieved or supported in such township the preceding year, and the whole expense of such support.

(68) § 4554. SEC. 53. Any supervisor who shall neglect or refuse to make such report, or who shall wilfully make any false report, shall be guilty of a misdemeanor, and on conviction thereof be subject to a fine of not exceeding one thousand dollars, to be recovered by the prosecuting attorney of the county, in the name of the people of this state, and to be paid into the township treasury.

(69) § 4555. SEC. 54. At any annual meeting of the board of supervisors of any county, they may by a two-thirds vote, restore or abolish the distinction between town and county poor.

Sec. 55 repeals inconsistent acts.

Duty of supervisor relative to suits for recovery of penalties.

Allowance of certain costs to supervisor.

Annual report by supervisors of number relieved and expense.

Penalty for neglect to report.

Power of board of supervisors.

CHAPTER II.

Temporary relief of poor persons.—Establishment of Union Poorhouses.

AN ACT to regulate the granting of relief to and the admission of certain poor persons to the asylums and almshouses, and to provide for collecting the expense of the temporary care and transportation of such persons, and to repeal all acts or parts of acts inconsistent herewith.

[Act 72, P. A. 1907.]

The People of the State of Michigan enact:

Persons not
entitled to
admission to
asylums, etc.

Temporary
relief.

(70) SECTION 1. Any poor person who is incompetent to earn a livelihood at the time of such person's entry into any county in this state, or becomes so incompetent within one year from the time of such entry, shall not be entitled to admission into any of the state asylums or county asylums or almshouses at the expense of the state or county or to receive any public relief of any nature, when the name of the county or state from whence said person came can be ascertained, excepting such temporary care or relief as such person may need pending his return, as hereinafter provided, to the county where he was last continuously settled for one year.

Legal settlement, see *In re Woodcock*, 123 / 369.

Duty of super-
intendents of
the poor.

Form of
notice.

(71) SEC. 2. The superintendents of the poor, or any of them, of the county in which such person shall have entered, as aforesaid, in which such person may require temporary relief, shall, within ten days after ascertaining the county in which such person shall have been last continuously settled for one year previous to the time of such entry, give notice, in writing, to the superintendents of the poor of such county, which said notice shall be substantially in the following form:

To the superintendents of the poor of the county of

Take notice, That....., a poor person, who was last continuously settled for one year in the county of....., before leaving said county and coming into the county of....., is temporarily in the county of..... and is receiving such relief and care as h... may require on account of h... being such poor person, and will continue to receive such care at the expense of your county; and you are required, forthwith, to cause said poor person to be transported into your

own county, pursuant to the provisions of the statute in such case made and provided.

Dated this day of, A. D.

Superintendent of the poor of
..... county.

The said notice may be served by any superintendent of the poor of the county where such poor person may temporarily be as aforesaid, upon the superintendents of the poor of the county in which such poor person was last continuously settled for one year, by delivering said notice personally to any of said superintendents of the poor, or by sending a copy of said notice by registered mail, addressed to the superintendents of the poor of said county, at the county seat of said county; and in any action arising under or by virtue of the provisions of this act, an affidavit of the fact of serving such notice made by the superintendent of the poor making personal service of said notice, as aforesaid, or the affidavit of such superintendent of the poor of the fact of registering and mailing said notice, accompanied by the postoffice receipt for such registered letter and a true copy of the notice enclosed in said letter, shall be sufficient proof of such service.

(72) Sec. 3. It shall [be] the duty of the superintendents of the poor, or any of them, of the county sought to be charged with the care, relief, support and return transportation of poor persons by means of the notice required in section two of this act, if they, or any of them, shall deem their county not legally responsible for the care, relief, support and return transportation of such poor persons, to serve a denial of liability, in writing, upon the superintendent of the poor from whom notice was received in accordance with the provisions of section two of this act, within ten days after the date of service of such notice, which said denial shall be substantially in the following form:

To the superintendents of the poor of the county of : Notice of denial of liability.

Take notice, That the county of hereby denies any and all liability of every name and nature for the care, relief, support and return transportation of , the poor person mentioned in a certain notice dated the day of A. D., from , superintendent of the poor of county, and served on the superintendents of the poor of county on the day of A. D.

Dated this day of A. D.,

Superintendent of the poor of
..... county.

STATE OF MICHIGAN.

Service of notice.

When barred from denial of liability.

Transportation of poor persons.

Itemized statement of expenses by county giving temporary relief.

Action for recovery of expenses.

Action, where instituted.

Which said denial, in writing, shall be served and proof of such service shall be made in like manner as provided in section two of this act. And in case of service of said denial of liability, as aforesaid, such poor person shall not be transported to said county sought to be charged with the liability for his care, relief, support and return transportation, as aforesaid, until such liability shall be determined by some circuit court within the state; but if such written denial shall not be served on the superintendents of the poor of the county where such poor person or persons may temporarily be, as aforesaid, in the time and in the manner aforesaid, then the county sought to be charged with the care, relief, support and return transportation of such poor person shall be forever barred from denying liability for the expense of the care, relief, support and return transportation furnished pursuant to the notice served in accordance with the provisions of section two of this act.

(73) SEC. 4. If, after receiving the notice prescribed in section two of this act, the superintendents of the poor of the county served with such notice shall not, within twenty days, transport the poor person described in said notice to said county, then it shall be the duty of the superintendents of the poor of the county serving the notice prescribed in section two of this act to forthwith transport such poor person into the custody of the superintendents of the poor of the county upon which the notice prescribed in section two of this act was served as aforesaid. And the superintendents of the poor of the county furnishing temporary care, relief, support and return transportation, in accordance with the provisions of section one of this act and serving notice as required in section two of this act, shall, within thirty days after furnishing such temporary care, relief, support and return transportation, present to the superintendents of the poor of the county upon which such notice was served, in accordance with the provisions of section three of this act, a sworn itemized statement of the expenses incurred in the temporary care, relief, support and return transportation of such poor person, to the superintendents of the poor of the county upon which notice was so served, and if said bill is not allowed within thirty days after being presented as aforesaid, the superintendents of the poor presenting such bill may institute an action at law, in their own name, in any circuit court within this state, against the superintendents of the poor of the county neglecting or refusing to allow such bill, for the recovery of the same, with interest from the date of presentation as aforesaid.

(74) SEC. 5. Any action instituted by the superintendents of the poor of any county in this state, to recover the cost of furnishing temporary care, relief, support and return transportation to any poor person, shall be commenced in the circuit court in the county where such care, relief, sup-

port and return transportation was furnished, and service of process in such cases may be made by any officer authorized by law to serve the processes of courts of like jurisdiction in any county in this state, upon any one of the superintendents of the poor against whom such action is brought, and such service and return thereof in accordance with law shall give the court in which such action is commenced full jurisdiction to hear and determine such cause, in like manner as if served upon all said superintendents of the poor in the county where such action was commenced.

(75) SEC. 6. In those counties where the distinction between county and township poor exists [exists], the amount expended in any case where such poor person has a settlement in any township in the county, may be charged up to and recovered from such township by the superintendents of the poor for the county in which said township is situated, who have been required, under the provisions of this act, to audit, allow and pay the account for temporary care, relief, support and transportation of such poor person.

Service of Process.

Recovery of amount expended, in certain counties.

(76) SEC. 7. No superintendent of the poor, acting under the provisions of this act, in taking into custody, relieving, supporting or transporting any poor person as herein provided, shall become liable to any action or prosecution for illegal arrest or false imprisonment.

Liability of superintendent of poor.

(77) SEC. 8. If any such person belongs to another state and has come from outside the state, the superintendents of the poor of the county, the medical superintendent of the asylum, or the superintendent of the poor of any city where such person may be, shall furnish transportation and necessary attendance in their discretion to such person, and the expense of the same shall be allowed by the state board of auditors and paid by the state on properly attested vouchers from the said superintendents of the poor, medical superintendent or the superintendent of the poor of any city.

Payment of expenses for non-residents of state.

Sec. 9 repeals acts or parts of acts contrary to the provisions of this act.

AN ACT to provide for the establishment, government and control of union workhouses and almshouses.

[Act 178, P. A. 1877.]

The People of the State of Michigan enact:

(78) § 4580. SECTION 1. That any number of cities or counties may, at their joint charge, and for their common use, erect or provide a workhouse, almshouse, or poorhouse, and purchase land for the use thereof; which, at their option, may take the place of their county poorhouse.

Cities or counties authorized to erect workhouse.

- Powers of board of directors. (79) § 4581. SEC. 2. The ordering, governing, and repairing of such house and farm, the appointment of a superintendent and necessary assistants, and the power of removing them for misconduct or incapacity or other sufficient cause, and the power to fix the salaries of superintendent, assistants, and all employés, shall be vested in a joint board of directors, who shall be chosen annually by the common councils of cities and the boards of supervisors of counties so uniting.
- Idem. (80) § 4582. SEC. 3. Unless all the cities or counties so uniting and interested in such workhouse shall agree upon a different number, each of the parties so uniting shall choose three members of the board of directors; and in case of the death of a director, or of his removal from the place for which he was chosen, the vacancy may be supplied by the body which appointed him. If any city or county entitled to appoint directors shall fail to make appointments, or to fill vacancies on notice of the same, those appointed from the other bodies entitled to act in the premises shall have the charge of such house and farm until such appointments shall be [are] made or vacancies [are] filled.
- Failure to appoint. (81) § 4583. SEC. 4. Stated quarterly meetings of the board of directors shall be held on the first Tuesday of January, April, July, and October, at the workhouse, almshouse, or poorhouse under their charge, for the purpose of inspecting the management and directing the business thereof; meetings of the board may be called at other times by the directors chosen by any city or county uniting as one of the parties for the erection or maintenance of such union workhouse, almshouse, or poorhouse, on giving notice to the other members of the board, in such manner as shall have been agreed upon at a stated meeting.
- Officers of board. (82) § 4584. SEC. 5. The board of directors shall, at their first general meeting in each year, choose one of their number as chairman, and shall also appoint a clerk, who shall take the constitutional oath of office, and shall record all proceedings of the board, and countersign all orders drawn by the chairman.
- Quorum. (83) § 4585. SEC. 6. At any meeting of the board, a majority of the members shall constitute a quorum; and at any general quarterly meeting, any by-laws, rules and regulations may be made by vote of at least one-half of the members elect, for the ordering and regulating the house and property under their charge, the payment of superintendent, assistants and employés, and all other matters pertaining to the working and interests of such workhouse or poorhouse, not inconsistent with the laws of this state or of the United States.
- By-laws, rules and regulations. (84) § 4586. SEC. 7. The directors shall receive, as compensation for all services rendered by them, the sum of two dollars per day for each day actually employed in attending the meetings of the directors, and six cents per mile for each mile necessarily traveled in going to and returning from such
- Compensation of directors.

meetings, to be paid by the city or county appointing such directors.

(85) § 4587. SEC. 8. All the expenses for salaries, wages of employés, purchase of grounds, erection of buildings, supplies, medical attendance, and all other charges and expenses of the institution (except payment for services as directors), shall be paid by the several cities or counties so uniting, in proportion to their state tax at the time when the expense may have been incurred, or in such proportion as the places interested shall agree.

(86) § 4588. SEC. 9. If any city or county so uniting refuses or neglects to advance or reimburse its proportion of the expenses or moneys mentioned in the preceding section, or of any other charges authorized under this act, after the same have been adjusted and apportioned by the joint board of directors, the same may be recovered of such delinquent city or county before any court of competent jurisdiction, in an action of assumpsit, to be brought in the name of such board of directors, who shall, for the purpose of suing and being sued, be a body corporate, under the name and style to be adopted by such board of directors, and a certificate, signed by the chairman and countersigned by the clerk, of the corporate name adopted shall be filed with the secretary of state, and with the clerk of each city or county, immediately after the first meeting and organization of the board of directors.

(87) § 4589. SEC. 10. No greater number of persons belonging to any city or county uniting for the purpose shall be received into such workhouse, almshouse, or poorhouse than such city's or county's proportion of such house, when the receiving of them would exclude or seriously inconvenience such as belong to other places interested.

(88) § 4590. SEC. 11. If any city, or county so uniting refuses or neglects to provide its proportion of the necessary expenses of such house, or of the materials, implements, or other means of performing the work there required, according to the agreement or the directions of the joint board of directors, such city, or county shall be deprived of the privilege of sending any person thither during the time of such neglect or refusal.

(89) § 4591. SEC. 12. The superintendent of the workhouse, almshouse, or poorhouse shall keep a register of the names and ages of the persons committed or received, the places to which they belong, the date of reception and discharge, and of their respective earnings. The board of directors shall make annual reports to the several cities, or counties so uniting, and to the governor of the state, setting forth the above items, and also giving the number of inmates, age and sex, at date of report, and such other facts as they may deem of general interest.

(90) § 4592. SEC. 13. The profits and earnings arising from the work of persons committed to the workhouse, if anything shall remain after paying the expenses of such work-

Expenses, how paid.

Recovery of proportion of expense.

Board, body corporate.

Certificate of corporate name, where filed.

Proportion of persons to be received.

Refusal to pay expenses.

Register to be kept by superintendent.

Annual report of directors.

Apportionment of profits and earnings.

house, almshouse, or poorhouse, shall be apportioned to the several cities, townships, or counties so uniting, in proportion to the state tax paid by each at the time of such distribution, to be by them used for the support of the poor or for the benefit of the persons committed or their families, as they shall severally determine.

Discharge of persons.

(91) § 4593. SEC. 14. No person committed to the workhouse, almshouse, or poorhouse, shall be discharged within the time for which he was committed except by the court or authority which made the commitment, the directors at a general or quarterly meeting, or by the probate court of the county in which such workhouse, or poorhouse is situated, upon good cause shown upon application for the purpose.

Employment of persons committed.

(92) § 4594. SEC. 15. Every person committed to the workhouse, or poorhouse shall, if able to work, be kept diligently employed in labor during the term of his commitment. If he is idle and does not perform such reasonable task as is assigned, or is stubborn and disorderly, he shall be punished according to the orders and regulations established by the directors.

Idle persons and vagrants may be committed.

(93) § 4595. SEC. 16. Idle and indigent persons who shall have no visible means of support, and vagrants without any settled home or business, whether or not they have a legal settlement in the city, or county uniting for the establishment of such workhouse, or poorhouse, may be committed by the superintendents of the poor for such period as they shall determine, or by a justice of the peace upon trial and conviction as a vagrant, for a term not exceeding one year; and persons so committed shall be held for the time specified in the warrant of conviction.

Union work-house may be discontinued.

(94) § 4596. SEC. 17. Any such union workhouse, almshouse, or poorhouse, may be discontinued, or appropriated to any other use, when the cities, or counties who have united in its erection, shall so determine, and the proceeds in such case shall be divided according to the state tax of each place interested at the time of such discontinuance.

CHAPTER III.

Uniform system of records and accounts.—Annual reports of supervisors, directors, etc.—Records and reports of societies, associations, etc.

AN ACT to provide a uniform system of records and accounts for use of superintendents, overseers, and directors of the poor, and keepers of poorhouses.

[Act 121, P. A. 1885.]

The People of the State of Michigan enact:

(95) § 4576. SECTION 1. That the attorney general, secretary of state, and secretary of the state board of charities be and they are hereby authorized and directed to act with the committee appointed by the association of county superintendents of the poor for that purpose in the preparation of a uniform system of records and accounts for the use of superintendents, overseers, and directors of the poor, and keepers of the poorhouses.

(96) § 4577. SEC. 2. When the forms for the records and accounts provided for by the preceding section shall have been prepared and perfected, it shall be the duty of the secretary of state to cause a sufficient number of copies of the same to be printed and bound, to supply each of the officers entitled to the same, and any of such officers as shall thereafter neglect to keep the records and accounts in the manner so prescribed, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding fifty dollars, which fine shall be paid into the treasury of the county wherein such neglect or failure occurred; and it shall be the duty of the prosecuting attorney of any county, upon being notified of any such neglect or failure, to immediately commence suit against the parties offending, and prosecute the same to a final termination.

(97) § 4578. SEC. 3. Such records and system of accounts shall be furnished by the secretary of state at cost, and the accounts for the same shall be allowed by the boards of supervisors, and paid by the county treasurers: Provided, That if any board of supervisors neglects or refuses to allow such accounts, then in that case the amounts of such accounts shall be charged to such county by the auditor general, and included in the tax the next succeeding year.

(98) § 4579. SEC. 4. The committee appointed by the association of superintendents of the poor, to assist in the preparation of such uniform system of records and accounts, shall be allowed such sum for services so rendered as the board of state auditors may deem just and proper, not exceeding

Committee to prepare system of accounts.

Secretary of state to have printed.

Penalty for not keeping records as prescribed.

Duty of prosecuting attorney.

Blanks furnished, and payments for same.

Proviso.

Allowance of expenses of committee.

three dollars per day each, and their actual railroad fare from their place of residence to the capitol and return.

AN ACT to require supervisors, directors, and overseers to make certain annual reports to the county superintendents of the poor.

[Act 107, P. A. 1875.]

Directors of
the poor and
supervisors to
make report.

What required
to state.

Form of re-
ports, duty of
secretary of
state as to.

Penalty for
failure to com-
ply with this
act.

Compensation
paid for re-
ports.

(99) **§ 4573.** SECTION 1. It shall be the duty of any director or overseer of the poor authorized by law to furnish relief to poor persons and of the supervisor of each township, district, or ward in this state on the last day of September, and on the last day before his term of office shall expire, to make and transmit to the county superintendents of the poor of the county in which such township, district, or ward is situated, a full statement or report of the number of poor persons relieved or maintained by him since the date of his last report, with the names of the heads of families and the number of persons in each family, also the names of persons not members of any family who have received assistance and the causes of their indigence, if he can ascertain the same, the amount paid for transportation, for medical attendance and for funeral expenses, also his charges for services, and any and all other facts and expenditures necessary to a complete showing of his transactions and of the condition of such persons. Said report shall be made in such form as the secretary of state shall prescribe, and the secretary of state shall prepare and annually transmit blanks for that purpose to the county superintendents of the poor, who shall distribute them to the several directors and overseers of the poor and supervisors in their respective counties; and such reports shall be made by the directors, overseers, and supervisors in the counties where the poor are made a township or city charge, as well as in counties where they are all made a county charge, and any supervisor, director, or overseer who shall neglect or refuse to make such report shall be guilty of a misdemeanor, and on conviction thereof may be punished as prescribed by law for the commission of such offenses.

(100) **§ 4574.** SEC. 2. Every supervisor, director, or overseer of the poor who shall make the reports herein provided for shall receive as full compensation therefor the sum of five cents each for the first twenty-five families and persons not members of any family so relieved, and the sum of three cents for each of such families and persons above that number, to be paid by the county treasurer out of the general fund on the certificate of the superintendents of the poor that said reports have been made in all respects as required by law, but no supervisor, director, or overseer shall receive less than twenty-five cents for each report so made out and forwarded to the superintendents of the poor.

(101) § 4575. Sec. 3. That it shall be the duty of the county superintendents of the poor, annually, between the first and twentieth days of October, to consolidate on blanks to be furnished by the secretary of state for that purpose, all said reports received by them during the year ending the thirtieth day of September next preceding, and the said superintendents shall incorporate into their annual reports to the secretary of state, the several facts, statements, and expenditures reported to them by the supervisors, directors, and overseers, so that their reports shall make a complete showing of the number of poor persons who have been relieved and maintained in the county during the year, with the names of heads of families, and the causes of their indigency, the amount paid for transportation, for medical attendance, and for funeral expenses, the charges and fees of the several officers authorized by law to furnish relief to poor persons, and all other expenditures incurred in the relief and maintenance of such indigent persons.

Report to be consolidated by superintendents.

AN ACT to provide for records to be kept, and reports to be made by, and for the state supervision of societies, associations and organizations incorporated, or which may hereafter be incorporated, under the laws of this state, the whole or part of the business of which is to receive and maintain minor children in institutions, or place minor children in homes, on indenture, by adoption, or otherwise, and to provide for certain expenses in connection with such records, reports and state supervision.

[Act 41, P. A. 1890.]

The People of the State of Michigan enact:

(102) SECTION 1. There shall be kept at the institution of each and every society, association and organization, incorporated, or which may hereafter be incorporated, under the laws of this state, the whole or a part of the business of which is to receive, maintain, or place minor children in homes, on indenture by adoption, or otherwise, so far as the children in their custody or under their control, a full record of each child who is now in, or who may hereafter come within, its custody or control; which record shall contain such data as shall be deemed important by the state board of corrections and charities, particularly as to the number of children received, their parentage, the cause of the child's admission, the consent or agreement of the parents, if any, or their authority by which the custody of the child is surrendered, age, date of admission, education, and special training given, and what disposition has been made of the same, and such records shall be continued during the minority of each child: Provided, That when a child is adopted, the record of such adopted child may cease at the time of its adoption. Such record shall always be open for the inspection of the state

Institutions to keep record of children.

Record, what to contain.

Proviso.
To be open to inspection.

board of corrections and charities, or any member or officer of such state board.

To make annual report to board of corrections and charities.

(103) SEC. 2. It shall be the duty of the respective boards of each of the corporations named or described in section one of this act, to make or cause to be made, on the thirtieth day of June of each year, an annual report, which report shall give a full account of the work done by each such corporation, as far as such work relates to the minor children who have been in the custody or under the control of the corporation during the year covered by its report, and such report shall be immediately filed with the state board of corrections and charities at Lansing. Reports shall also be made at such times as such state board may request.

Other reports, when made.

(104) SEC. 3. The state board of corrections and charities is hereby authorized and required, as a board, or by some member of such board, or by its secretary, to visit, examine and inspect all institutions or corporations named or described in section one of this act, and to make report thereon in the official report of such state board, with such recommendations as it shall deem desirable: Provided, That in such official report nothing shall appear to identify any child who may have been placed out in a home by such institution or corporation. For this purpose all persons or officers in charge of such institutions are hereby required to admit to such institutions the members of, or any member or officer of, the state board of corrections and charities, at any and all times into every part of their respective institutions for the purpose of official inspection of the same, and render such board every facility within their power to enable such member or officer to make in a thorough manner their visit, inspection and examination.

Board of corrections and charities to visit institutions and report.

Proviso.

What officer, etc., to be admitted to institution for inspection.

Blanks for reports by whom furnished.

Who to audit expense for blanks, etc.

(105) SEC. 4. The state board of corrections and charities shall prepare, have printed, and shall supply the several incorporated institutions named or described in the first section of this act, all blanks for the reports required by section two of this act, and the several such corporations shall use the blanks so supplied in making such reports. The expense necessarily incurred in the printing and distribution of such blanks and in the securing and supervising of such reports when filed, shall be audited by the board of state auditors, and be paid from the general fund.

CHAPTER IV.

Soldiers' Home.—**Soldiers' Relief Commission.**—**Burial of indigent soldiers, sailors, etc.**—**Home for soldiers' widows, wives and mothers.**

AN ACT to authorize the establishment of a home for disabled soldiers, sailors, and marines in the state of Michigan.

[Extract from Act 152, P. A. 1885.]

(106) § 2062. SEC. 11. All honorably discharged soldiers, sailors and marines who have served in the army or navy of the United States, in the late war of the rebellion, in the Mexican war, the Spanish-American war or the war in the Philippines, and who are disabled by disease, wounds or otherwise, and who have no adequate means of support and by reason of such disability, are incapable of earning their living, and who would be otherwise dependent upon public or private charity, shall be entitled to be admitted to said home, subject to the rules and regulations that shall be adopted by the board of managers to govern the admission of applicants to said home: Provided, That no applicant shall be admitted to said home unless he served in a Michigan regiment or was accredited to the state of Michigan, or was a resident of the state of Michigan for at least five years next preceding the date of his application for admission to the said home.

Proviso as to
service or
residence.

Am. 1809, Act 62; 1901, Act 25; 1907, Extra Session, Act 2.

AN ACT to provide relief outside of the soldiers' home for honorably discharged indigent soldiers, sailors and marines, and the indigent wives, widows and minor children of such indigent or deceased soldiers, sailors and marines, and to repeal, etc. * * *

[Act 214, P. A. 1890.]

The People of the State of Michigan enact:

(107) SECTION 1. That it shall be the duty of the board of supervisors of the several counties of this state to levy, in the year eighteen hundred ninety-nine, and annually thereafter, a tax not exceeding one-tenth of a mill on each dollar, to be levied and collected as provided by law, upon the taxable property of each township and city, for their respective counties, for the purpose of creating a fund for the relief of honorably discharged indigent soldiers, sailors and marines of the war of the rebellion and of the late war with Spain, and the indigent wives, widows, minor children and mothers of

Duty of super-
visor to levy
tax for relief
fund.

STATE OF MICHIGAN.

Proviso. each such indigent or deceased soldier, sailor and marine and female nurses of the war of the rebellion. Such sums, when collected, shall be paid to the county treasurer of the county where such tax is levied in each of the counties of this state, to be paid out by him upon the order of the commission hereinafter provided for, duly signed by the chairman and secretary thereof: Provided however, That in case any part of such fund shall not be necessary for the purpose for which it was raised, the same shall remain in the treasury of such county as a soldiers' relief fund, and shall be considered in raising future sums therefor.

Judge of probate to appoint commission.

(108) SEC. 2. It shall be the duty of the judge of the court of probate in each county, in the year nineteen hundred, to appoint three persons, residents of such county, of whom two at least shall be honorably discharged soldiers, sailors or marines, of the United States army and navy, volunteers or regulars to be known as the "Soldiers' Relief Commission" of the county, with the powers and duties in this act provided.

Term of office. One of such persons shall be appointed for a term of one year; one for a term of two years and one for a term of three years, and at the expiration of the term for which each of such persons was appointed, his successor shall be appointed for a term of three years thereafter.

Officers. The persons so appointed shall organize by the selection of one of their number as chairman, and one as secretary, and in the event of the death, resignation, change of residence or other disability of any member of said board, creating a vacancy, the judge of probate shall fill such vacancy by an appointment for the unexpired term. They shall each file the constitutional oath of office with the probate court, and receive the proper certificate of their appointment. They shall be entitled to reasonable compensation for their services, to be fixed and paid by the board of supervisors of their respective counties.

Oath.

Compensation. (109) SEC. 3. The supervisor of each township and ward in each of the counties of this state, and where there is no ward supervisor the aldermen of the several wards of every incorporated city in this state, shall, on or before the last Monday in September in each year, make and place in the hands of the soldiers' relief commission of the county, a list of all the persons entitled to relief under the provisions of this act, and the soldiers' relief commission, on the first Monday in October in each year, shall proceed to determine the amount necessary for aid and relief to be granted such persons under this act, which shall be then and there recorded in the books to be kept by the secretary of said soldiers' relief commission. The commission may determine not only the sum to be paid, but the manner of paying the same, and may discontinue the payment of such relief in their discretion, and there shall be no appeal from their decisions.

List of persons entitled to relief. (110) SEC. 4. Whenever any emergency shall arise in case of sickness, accident or death, which, in the opinion of any supervisor or alderman, needs relief, such supervisor or

Amount of relief, how determined.

In case of emergency supervisor or alderman shall have power to act.

alderman, when inconvenient to consult any of the members of said commission, shall have the power to draw an order on the county treasurer for a sum not to exceed ten dollars, and shall certify his action and the circumstances of the case to such soldiers' relief commission, which shall ratify the same, and such commission may grant such further relief at any time as it may deem necessary: Provided however, That no claim for relief shall be allowed and paid which shall create a deficiency in the fund.

(111) SEC. 5. Said soldiers' relief commission shall make to the board of supervisors, at its October session in each year, a full report of its doings and the amount of relief money on hand, the amount expended during the year preceding, and the amount estimated for the year ensuing, and such further information and suggestions as they may consider necessary to the discharge of their duties under this act.

(112) SEC. 6. In cases where moneys have heretofore been raised by any city or township under the provisions of the acts hereinafter repealed, the balance of such moneys unexpended on the first day of April, nineteen hundred, may, by vote of the common council or township board, be transmitted to, and made a part of the general fund of such city or township, as the case may be.

(113) SEC. 7. The several commissioners appointed under this act shall have power to administer oaths in the execution of the duties of their offices.

Sec. 8 repeals Act 193 of 1889.

AN ACT to provide for the burial of the bodies of certain honorably discharged soldiers, sailors or marines or the wives or widows of said soldiers, sailors or marines in this state, who shall hereafter die without leaving means sufficient to defray funeral expenses, and to repeal act number two hundred forty-two of the public acts of eighteen hundred ninety-nine.

[Act 39, P. A. 1903.]

The People of the State of Michigan enact:

(114) SECTION 1. It shall be the duty of the board of supervisors of each county in this state to appoint in each township and ward, in their respective counties, a suitable person other than those designated for the care of paupers and the care of criminals, whose duty it shall be in his township or ward, to look after and cause to be interred in a decent and respectable manner in any cemetery or burial ground in this state, other than those used exclusively for the burial of the pauper dead, at an expense not to exceed forty dollars, the body of any honorably discharged union soldier, sailor or marine, having served in the army or navy of the United

Supervisors
to appoint,
suitable
person.

Duty of.

Expense
limited.

Compensation. States during the civil war or the late war with Spain, or the wives or widows of such soldiers, who shall hereafter die not leaving means sufficient to defray the necessary funeral expenses. Such person so appointed shall receive two dollars for each such burial attended, to be paid in the same manner as the other expenses authorized by this act and shall hold his appointment so long as he serves to the satisfaction of the board of supervisors; and whenever any vacancy occurs from any cause, it shall be the duty of the board of supervisors to fill such vacancy by the appointment of another suitable person.

Vacancy how filled.

Am. 1907, Act 163.

Duty before assuming charge and expense of burial.

To report to clerk.

Duty of clerk of supervisors.

(115) SEC. 2. It shall be the duty of the person so appointed, as provided in the foregoing section, before he assumes the charge and expense of any such burial, to first satisfy himself by a careful inquiry into, and examination of all the circumstances in the case that the family of such deceased soldier, sailor or marine, or the wife or widow of any soldier, sailor or marine as aforesaid, if he or she had any at the time of his or her decease, residing in such township or ward, is unable for want of means, to defray the expense of such funeral or burial, whereupon, if he finds such inability to exist, he shall cause such deceased soldier, sailor or marine or the deceased wife or widow of such soldier, sailor or marine to be buried as provided in section one of this act, and he shall also immediately report his action to the clerk of the board of supervisors of the county, setting forth all the facts, and that he found the family of such deceased person, if he or she had any, in indigent circumstances and unable to pay the expenses of such funeral or burial, together with the name, rank and command to which such soldier, sailor or marine belonged, and in case of such wife or widow, the rank and command to which her husband or deceased husband belonged, the date of his or her death, place where buried and his or her occupation while living; also, an accurately itemized statement of the expenses incurred by reason of such burial.

(116) SEC. 3. It shall be the duty of the clerk of the board of supervisors upon receiving the report and statement of expenses provided for in section two of this act, to transcribe in a book kept for that purpose all the facts contained in said report respecting such deceased soldier, sailor or marine or the deceased wife or widow of the same. It shall also be the duty of said clerk, upon the death and burial of any such soldier, sailor or marine to make application to the proper authorities under the government of the United States for a suitable headstone, as is now or may hereafter be provided by act of congress, and to cause the same to be placed at the head of such deceased soldier's, sailor's or marine's grave. And also, to cause a suitable headstone to be placed at the head of the deceased wife or widow of

such soldier, sailor or marine, if the same shall now or hereafter be provided by act of congress.

(117) SEC. 4. All expenses incurred in such burial, as ^{Expense, how} provided in this act, shall be audited and paid by the board ^{audited} of supervisors, or board of county auditors, the same as other legal charges against the county.

Sec. 5 repeals Act No. 242 of 1899.

AN ACT to establish a home for widows, wives and mothers of soldiers, sailors and marines who served in the Mexican war, or late civil war, making appropriation for its erection and maintenance, and regulating the government and management thereof.

[Extract from Act 212, P. A. 1893.]

(118) § 2073. SEC. 8. The conditions as to eligibility for admission into the home shall be: The husband or son of the applicant must have served in a Michigan regiment or have been accredited to the state of Michigan or have been a resident of the state on the fifth day of June, one thousand eight hundred eighty-four, and must have served in the army or navy of the United States during the Mexican or late civil war, and have been honorably discharged therefrom. Said applicant must be disabled by disease or otherwise, or without adequate means of support, and by reason of such disability, incapable of earning her living and dependent upon public or private charity.

Am. 1899, Act 139.

CHAPTER V.

Medical treatment of children at university hospital.—Surgical operations for poor children.—Admission of poor children to district schools.—Adoption of minor children.—Apprenticing of minor children.—Non-incorporated societies for receiving and placing of minor children.

AN ACT to provide for the medical and surgical treatment of dependent children at the hospital of the Michigan university.

[Act 128, P. A. 1881.]

The People of the State of Michigan enact:

(119) § 4559. SECTION 1. That any dependent persons who are or who shall hereafter be inmates of the state public school at Coldwater, the Michigan school for the blind, the Michigan school for the deaf, and the Michigan school for the feeble minded and epileptic and those who are not inmates of said institutions, but who, if not affected by dis-

Dependent
persons to be
admitted to
university
hospital.

STATE OF MICHIGAN.

ease or requiring surgical treatment, would be entitled by the laws of this state to admission to said institutions, who may be suffering from chronic disease, or who may need surgical treatment for any cause, which is calculated to disable them in whole or in part from self support, shall be entitled to, and shall receive medical and surgical treatment, or either, together with board, lodging, nursing, and other proper care, free of charge, at the hospital established in connection with the Michigan university at Ann Arbor, under the general rules and regulations thereof.

*Admissibility,
how certified.*

(120) § 4560. SEC. 2. The admissibility of applicants under this act for such gratuitous treatment, if not inmates of said state public school, the Michigan school for the blind, the Michigan school for the deaf and the Michigan home for the feeble minded and epileptic, shall be determined and certified in the same manner as their admissibility is now determined and certified to the said state public school, or the Michigan school for the blind, the Michigan school for the deaf and the Michigan home for the feeble minded and epileptic; and in case of dependent persons who are or may be inmates of the said state public school, the Michigan school for the blind, the Michigan school for the deaf and the Michigan home for the feeble minded and epileptic, it shall be determined and certified by the superintendent thereof.

*Expenses, how
paid.*

(121) § 4561. SEC. 3. The expenses of conveying said dependent persons, whether inmates of the state public school, the Michigan school for the blind, the Michigan school for the deaf or the Michigan home for the feeble minded and epileptic, or the other class herein named, to and from said hospital, and their board and nursing and other care, in said hospital, shall be paid out of the appropriation provided by this act: Provided, That such transportation expenses shall not include the expenses or services of any person accompanying the person to and from said hospital.

*Description of
case to be sent
to physician in
charge.*

(122) § 4562. SEC. 4. Before any such dependent child shall be sent to such hospital for treatment, a description of the case by the physician of said institution, with his opinion thereon, or if the child is not an inmate of said institution, then a description of the case by the county physician, where there is one, and if there is no such county physician, a description of the case by some practicing physician with his opinion thereon, shall be sent to the physician in charge of said hospital: Provided, That no such dependent child shall be sent to or received into said hospital unless in the judgment of the physician in charge thereof, there is a reasonable chance for him to be benefited by the proposed medical or surgical treatment.

Proviso.

(123) § 4563. SEC. 5. No physician, surgeon, or employee connected with said hospital shall receive any extra compensation by reason of aiding in the medical or surgical treatment, or the board, nursing, or other care of said children.

*Physician not
to receive
pay.*

(124) § 4564. SEC. 6. The actual expenses for the transporting of dependent persons to and from said hospital, as provided in this act, and the board, nursing and other care for said persons while in said hospital, not exceeding the amount charged other persons, patients in said hospital, shall be audited by the board of state auditors, and paid out of any money in the state treasury not otherwise appropriated. The treasurer of the board of control of the state public school, the Michigan school for the blind, the Michigan school for the deaf, or the Michigan home for the feeble minded and epileptic, shall present all accounts for the transportation of persons to and from said institutions and said hospital, and shall receive payment thereon; the county treasurer of the proper county shall present such accounts and receive payment thereon for persons sent from such county, and the treasurer of said university shall present the accounts for the board and nursing of said persons, and shall receive pay thereon; all of which accounts shall be verified as required by said board of state auditors.

AN ACT to provide for the treatment of the children of indigent poor people that are afflicted with any curable malady or deformity at birth, and to provide for the expenses thereof.

[Act 42, P. A. 1897.]

The People of the State of Michigan enact:

(125) § 4565. SECTION 1. That it shall be the duty of any physician in attendance at the birth of any child of any indigent poor person in the state of Michigan, which child shall be afflicted with any deformity or malady that may be cured by a surgical operation, immediately to report the same in writing to the mayor of the city or village, or the president of any village, or to the supervisor of any township wherein said child was born, together with the malady or deformity of which said child is afflicted and his opinion as to whether or not said deformity or malady may be cured by a surgical operation.

Physician to report deformity of children at birth.

(126) § 4566. SEC. 2. It shall be the duty of such supervisor, mayor or president upon receipt of such notice from such physician, in case the attending physician shall certify that in his opinion the malady is curable, to provide transportation for such child and attendant to the university of Michigan. And said attending physician may designate to which hospital at said university, the patient may be sent for treatment.

Children may be sent to university hospital.

(127) § 4567. SEC. 3. It shall be the duty of the dean of the medical department of the university [of Michigan] upon receiving such child, to provide for such child such cot or bed or room or rooms in the hospital designated by the

University to supply quarters and suitable physician.

STATE OF MICHIGAN.

attending physician aforesaid and he shall also assign or designate what physician or surgeon then in the employment of the university of Michigan who, in the judgment of such dean, is most skillful in the treatment of the deformity or malady in each particular case, to the care and treatment of such child, and the physician or surgeon thus designated shall proceed with all proper speed to perform such operation and bestow such treatment upon such child as in his judgment shall be proper.

No compensation to be allowed. (128) § 4568. SEC. 4. No compensation shall be charged or allowed to the dean of said medical faculty or to the physician or surgeon or nurse who shall treat [said] any child other than the salary they respectively receive from the board of regents of the university of Michigan.

Hospital steward to keep account of actual expenses. (129) § 4569. SEC. 5. The hospital steward or other person in actual charge of said hospital wherein said child shall be confined for treatment in manner aforesaid, during the time such child shall be confined in said hospital, shall keep an accurate account of the medicines and nursing furnished to said child, and the person keeping the same, and upon its discharge from said hospital, shall furnish it transportation from the university of Michigan to the place from which it was received, and shall make and file with the said dean of the said medical department an affidavit containing an itemized statement as far as possible, of the actual expenses incurred at said hospital at said university, in the treatment, nursing and transportation of said child as hereinbefore provided.

Amount to be certified to auditor general and credited to university. (130) § 4570. SEC. 6. Upon filing said affidavit with said dean, it shall be the duty of said dean forthwith to draw an order on the treasurer of the state of Michigan for the amount of such expenditure and forward the same, together with the affidavit aforesaid to the auditor general of the state of Michigan. It shall be the duty of the auditor general upon receipt thereof, to credit the amount thereof to the university of Michigan and to include the same in his warrant next thereafter drawn by him for university purposes.

To be included in next warrant. (131) § 4571. SEC. 7. It shall be the duty of the dean of said medical faculty of the university to annually report to the governor of the state of Michigan the number of cases treated, the cause or disease treated and the result of the treatment.

Annual report to governor. Penalty. (132) § 4572. SEC. 8. If any person or persons shall neglect or refuse to comply with the provisions of this act he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars or more than five hundred dollars or by imprisonment in the county jail not less than ten days or more than ninety days, or both such fine and imprisonment in the discretion of the court.

ADMISSION OF CHILDREN WHO ARE A COUNTY CHARGE TO DISTRICT SCHOOLS.

[Extract from Act 164, P. A. 1881.]

(133) § 4684. SEC. 19. The district board may admit to the district school non-resident pupils, and may determine the rates of tuition of such pupils and collect the same, which tuition shall not be greater than fifteen per cent more than the average cost per capita for the number of pupils of school age in the district. Children who are being cared for at county expense shall be admitted to the school in the district whose schoolhouse is nearest the county house, on the same terms that other non-resident pupils are admitted. When non-resident pupils, their parents or guardians, pay a school tax in said district, such pupils shall be admitted to the schools of the district, and the amount of such school tax shall be credited on their tuition a sum not to exceed the amount of such tuition, and they shall only be required to pay tuition for the difference therein.

District boards may admit non-resident pupils and make rates of tuition.

Children who are a county charge.

AN ACT to provide for the adoption of minors, and for a change of name of such minors when a change of name is desired, and for making them heirs at law of the person or persons adopting them, and to repeal * * *

[Act 77, P. A. 1891.]

The People of the State of Michigan enact:

(134) § 8776. SECTION 1. That whenever any person or persons shall desire to adopt any minor child, and to change the name of such child, and to bestow upon him or her the family name of the person or persons adopting such child, or to adopt any minor child without a change of name, with intent to make such child his, her or their heir, such proceedings shall be had as are hereinafter provided.

Proceedings to adopt minor child.

ADOPTION: Adoption is the act by which relations of paternity and affiliation are recognized as legally existing between persons not so related by nature.—*Morrison v. Sessions' Estate*, 70 / 297. When there has been no formal adoption, but a girl is received into a family upon the understanding that she will be adopted and be as a daughter in all respects, and assumes the name of her foster father, and is known by his name, she may lawfully use such name and sue by it.—*Watson v. Watson*, 49 / 540.

INHERITANCE: Heirship, except that based upon consanguinity, can be treated only by constitutional law.—*Albring v. Ward*, 137 / 352. See *Bowins v. English*, 138 / 178.

(135) § 8777. SEC. 2. Such adoption, and in case a change of name is desired, such change of name shall be with the consent of the persons hereinabove described, viz.: By consent of whom.

(a) In case the parents of said child, or either of them, are living, then with the consent of such parent or the survivor of them;

- Abandoned child. (b) In case such child is abandoned by one of its parents, then with the consent of the other parent;
- Illegitimate child. (c) In case such child be illegitimate, then with the consent of its mother;
- Orphan child, etc. (d) In case such child is an orphan, or is abandoned by its parents or surviving parent, or by its mother, if it be illegitimate, then with the consent of the nearest of kin or guardian of such child, or of the principal officer of any incorporated asylum, hospital or home, of which such child may be an inmate, or of two superintendents of the poor of the county, or the director of the poor of any city or township of which such child is a resident, or of the principal officer of any institution, public or private, in this state or elsewhere, in whose care such orphan or abandoned child may be;
- When instrument of adoption to be filed in probate court. (e) In case the parents, or surviving parent of such child, or the mother, if said child be illegitimate, or the parent who has not abandoned it, if such child has been abandoned by one of its parents, has or have surrendered and released, in a writing duly executed and acknowledged before an officer authorized by law to take acknowledgments of deeds, all his, her or their parental rights in and to such child and the custody and control thereof to an incorporated asylum, hospital or home, of which such child may be an inmate, for the purpose of enabling such incorporated asylum, hospital or home to have said child adopted by some suitable person, its name changed, when a change is desired, and the child made an heir at law under the provisions of this act, then with the consent of the principal officer of any such incorporated asylum, hospital or home, and the aforementioned release executed by a parent or parents as aforesaid to said asylum, hospital or home, shall be filed with the instrument of adoption in the probate court;
- By consent of superintendent and county agent. (f) In case said child is legally an inmate of the state public school, then with the consent of the superintendent of such school, and the county agent of the state board of charities for the county wherein the person adopting such child resides;
- With consent of child. (g) In any case heretofore described, if such child be above the age of ten years, then with the additional consent of such child;
- With consent of general guardian. (h) In case any person herein designated as a parent with whose consent such adoption and change of name, where such change is desired, shall be insane or mentally incompetent, then such adoption and change of name, where change of name is desired, shall be with the consent of the general guardian of such insane or mentally incompetent parent, and such consent of the general guardian shall have the same force and effect as if made by the insane or mentally incompetent parent while in sound mind.
- Adoption to be in writing, etc. (136) § 8778. SEC. 3. Said person or persons first above described, together with his or her wife or husband, if any

there be, and the person or persons, officer or agent required by the preceding section to consent thereto, shall make under their hands and seals, an instrument in writing, whereby they shall declare that such child, naming him or her by the name he or she has usually borne, is adopted as the child of the person or persons first above referred to, and that he, she or they intend to make such child his, her or their heir, and shall state the full name they desire such child shall bear.

(137) § 8779. SEC. 4. The execution of such instrument shall be acknowledged by the person so signing the same, before an officer authorized by law to take acknowledgments of deeds, and thereupon the same shall be presented to, and filed with the judge of probate of the county where such person or persons adopting such child reside.

*Execution to
be
acknowledged,
etc.*

(138) § 8780. SEC. 5. Such judge of probate with whom such instrument is filed, shall thereupon make an investigation, and if he shall be satisfied as to the good moral character, and the ability to support and educate such child, and of the suitableness of the home of the person or persons adopting said child, he shall make an order to be entered on the journal of the probate court that such person or persons do stand in the place of a parent or parents to such child, and in case a change of name is desired, that the name of such child be changed to such name as shall be designated in said instrument for that purpose. Whereupon such child shall, in case of a change of name thereafter be known and called by said new name, and the person or persons so adopting such child, shall thereupon stand in the place of a parent or parents to such child in law, and be liable to all the duties and entitled to all the rights of parents thereto, and such child shall thereupon become and be an heir at law of such person or persons, the same as if he or she were in fact the child of such person or persons.

*Judge of pro-
bate to make
investigation
and enter on
journal.*

*Child to be
called by new
name and be
heir at law.*

Sec. 6 repeals Act 144 of 1887.

The provisions of this section do not make such children heirs of the kindred of the persons adopting them.—Van Derlyn v. Mack, 137 / 146.

APPRENTICING OF MINOR CHILDREN.

[Extract from Act 260, P. A. 1881.]

(139) § 5559. SEC. 7. That any person desiring to have a minor child apprenticed, indentured or otherwise disposed of, to him or her, by any person, asylum, corporation or other institution incorporated under the laws of this state for minor children or by any private asylum or institution in this state, if any there be, by the officers of such asylum or institution, shall apply in writing to the county agent of the state board of corrections and charities of the county

*Person desir-
ing to have
child appren-
ticed, must file
application.*

Contents of application.

in which the applicant resides, and in case there shall be no such agent in said county, then such application shall be made to one of the superintendents of the poor of such county, requesting the officer to whom such application is made to examine and report in writing, to the asylum or institution having the custody and control of said child, on the suitableness of the home of said applicant for said child. And thereupon it shall be the duty of such agent or superintendent of the poor to make such examinations and report, and cause such report to be filed in the office of the asylum or institution having control of the child, and a copy thereof with the judge of probate of said county, on the payment, by said applicant, to said agent or superintendent of the poor, the sum of three dollars for his services under this act. And in no case shall any child be indentured, apprenticed or otherwise disposed of, to any applicant, by any such asylum or institution, unless there be such examination and report which shall show that the applicant is a person of good moral character, that he is able to support and educate the child, and that his home is a suitable one for the child.

Application and copy of certificate to be filed in office of asylum.

Contract, contents of.

County agents to be notified when child is placed with family.

Agent or superintendent to visit child once a year.

Compensation of county agent.

(140) § 5560. SEC. 8. That on filing said application and certificate approving said applicant, in the office of such asylum or institution and a copy of such certificate with the judge of probate as herein provided, a contract in writing shall be entered into by and between said applicant and the principal officer of such asylum or institution or such officer or agent of such asylum or institution, as the board of trustees thereof shall authorize, in which it shall be mutually agreed that said child shall remain with said applicant until it is eighteen or twenty-one years of age, as may be agreed upon by the contracting parties; which shall provide that the applicant shall support said child, shall treat it as a member of his or her family, that he or she will keep such child in the public schools, or in some equally good private school, for at least four months in each year, and that he or she will have such child taught some useful trade or occupation. Whenever any child shall be placed in any family the proper officer of such asylum or institution shall at once notify the county agent of the state board of corrections and charities, in counties where there is such agent, and where there is none, the superintendents of the poor, with whom and where such child is placed. Such agent or superintendents of the poor shall at least once in each year visit such child and carefully investigate its conditions and surroundings and report the same to the officer of the asylum or institution from which such child was received, and also send a duplicate copy of such report to the secretary of the state board of corrections and charities. Such county agent shall receive as compensation under this act, his proper official expenses together with three dollars in full for his services for each case visited, investigated and reported by

him, but not exceeding three dollars for any one day's service, which shall be audited by the board of state auditors on the approval of the secretary of the state board of corrections and charities, and paid from the general fund: Provided, That the sum so allowed for the services of such agent in any county except the county of Wayne shall not in any one year exceed the sum of twenty-five dollars, and that in the county of Wayne the sum so allowed for such services shall not in any one year exceed the sum of fifty dollars. And should the county agent or superintendent of the poor, in counties where there is no county agent, at any time deem that the interests of the child require it he may, with the approval of the judge of probate of the county where the child resides, after due notice of the hearing before said judge, given to the superintendent or other officer of said asylum or institution, cancel the contract of indenture, take possession of the child and return it to the said asylum or institution, or proceed according to law for its admission to the state public school at Coldwater, as may be ordered by said judge. And in case such proceedings are taken a petition therefor signed by such county agent alone shall be sufficient.

Proviso as to amount of compensation.

When judge of probate may cancel contract.

(141) § 5561. SEC. 9. It shall be unlawful for any person, or any private or incorporated asylum or institution for minor children, to indenture, apprentice, place by adoption or otherwise dispose of any minor child to any person, except by one of the following methods:

Methods of apprenticesing.

First, By officers of state institutions acting under the provisions of law authorizing them to place children in families by indenture, adoption or otherwise;

By officers of state institutions.

Second, In accordance with the laws of this state relative to the adoption and change of names of minors, and making them heirs-at-law of the person or persons adopting them;

By making them heirs.

Third, In accordance with the laws of this state, relative to masters, apprentices and servants, so far as such law does not conflict with the provisions of this act;

By-laws relating to masters and servants.

Fourth, By the officers of incorporated asylums or institutions authorized by the laws of this state to receive, care for and dispose of minor children in such manner as may be provided;

By officers of asylums.

Fifth, By the father and mother residing in this state, and if either be dead or of legal incapacity, or has abandoned the child, then by the other, and in case the child be illegitimate, then by its mother, and in case there be no father or mother of legal capacity, then by the guardian of the child, resident of this state, and duly appointed under the laws thereof.

By parents of children.

In no case shall any minor child be indentured, apprenticed, adopted or otherwise disposed of by any person, by either of the methods herein named, or under any law of the state, except on the written approval of the person or persons taking such child by the county agent of the state board of corrections and charities of the county in which the person applying for the child resides, or by a superintendent of the poor of

Apprenticing to be in writing.

STATE OF MICHIGAN.

Proviso as to state institutions.

Apprenticing child from another state.

Bond required.

Duty of probate judge when such child becomes a public charge.

Violations of this act a misdemeanor.

Acts repealed.

Children ill-treated may be removed from parent or guardian.

What declared ill-treatment.

the county where there is no such agent, in form and manner required by this act, except where such indenture is under the fifth subdivision of this section: Provided, That the provisions of this act shall not apply to any state institution authorized by the laws of this state to indenture, or otherwise place in homes minor children.

(142) § 5562. SEC. 10. Any person, society or asylum engaged in indenturing or placing in homes any child or children brought from any other state for the purpose of placing in homes by indenture or otherwise, shall, before placing such child or children in any home, file with the judge of probate of the county in which such child, or children, is to be placed, a bond with two or more sureties, one of which sureties shall reside in the county where such indenture is made, and both of whom shall be residents of this state, in the sum of one thousand dollars for each child so placed, to be approved by the probate judge of said county, which bond shall be conditioned that the child for which it is given shall not become a town, county or state charge, before it shall have reached the age of twenty-one years. When it shall come to the knowledge of the judge of probate of any county that a child from another state indentured, or placed in a home under the provisions of this act, has been neglected and become a public charge, he shall at once investigate such matter, and if satisfied that such child is a public charge he shall declare the bond forfeited and proceed to collect the same as provided by law for the collection of forfeited bonds. The judge of probate shall order the money so collected to be paid to the township or county having to support said child; or if it has become a state charge, he shall order it paid to the state treasurer, and when so paid it shall be placed in the general fund. Any person or officer of any asylum or institution herein described, having the care, custody or control of any minor child, who shall indenture, apprentice, have adopted or otherwise dispose of such child, and any person who shall take such child indentured, apprenticed, adopted or otherwise disposed of, to him or her, except in the manner herein provided, shall be deemed guilty of a misdemeanor.

All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

(143) § 5563. SEC. 11. Every child under sixteen years of age who is ill-treated, within the meaning of this act, by his father, mother or guardian, is hereby declared to be under the protection of public authority and may be removed from such parent or guardian as herein provided.

(144) § 5564. SEC. 12. An ill-treated child is hereby declared to be:

First, One whose father, mother or guardian shall habitually violate or permit such child to violate the provisions of sections one, two, five and six of this act;

Second, One whose father, mother or guardian habitually causes or permits the health of such child to be injured or his

life to be endangered by exposure, want, or other injury to his person, or causes or permits him to engage in any occupation that will be likely to endanger his health, or life, or deprave his morals;

Third, One whose father, mother, or guardian is an habitual drunkard or a person of notorious and scandalous conduct, or a reputed thief or a prostitute, or one who habitually permits him to frequent public places for the purpose of begging or receiving alms, or to frequent the company of, or consort with reputed thieves or prostitutes, with or without such father, mother or guardian, or by any other act, example, or by vicious training depraves the morals of such child.

AN ACT to prohibit non-incorporated societies, associations, organizations or persons from receiving, maintaining or placing minor children in homes.

[Act 42, P. A. 1899.]

The People of the State of Michigan enact:

(145) SECTION 1. It shall be unlawful for any society, association or organization whatever, not incorporated under the laws of this state, or for any person for himself, or as agent, officer or employe of such society, association or organization of this or any other state, to carry on the business of receiving or maintaining minor children in homes, or placing minor children in homes, on indenture, by adoption or otherwise, and any person who for himself, or as agent, officer or employe of such society, association or organization whatever of this or of any other state, shall carry on the business of receiving or maintaining minor children in homes, or placing such children in homes, by indenture, except for some institution which is incorporated under the laws of this state for such purpose, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished as the statute prescribes for such offense.

Unlawful for certain societies, etc., to receive or maintain minor children.
Violation.

CHAPTER VI.

Juvenile Courts.—State Public School.

AN ACT to define, and to regulate the treatment and control of, dependent, neglected and delinquent children; to prescribe the jurisdiction of the probate courts and the powers, duties and compensation of the probate judges with regard thereto; to provide for the appointment of county agents and probation officers and to prescribe their powers, duties and compensation.

(Act 6, Extra Session, 1907.)

The People of the State of Michigan enact:

Dependent
and neglected
children
defined.

Delinquent
children
defined.

(146) SECTION 1. This act shall apply only to minors. For the purpose of this act the words "dependent child" and "neglected child" shall mean any child who for any reason is destitute or homeless or abandoned or dependent upon the public for support or who has not proper parental care or guardianship or who habitually begs or receives alms or who is found living in any house of ill-fame or with any vicious or disreputable person or whose home by reason of neglect, cruelty or depravity, on the part of its parents, guardian, or other person in whose care it may be, is an unfit place for such child; any child under the age of twelve years who is found begging, peddling or singing or playing any musical instrument as a business or who accompanies or is used in the aid of any person so doing. The words "delinquent child" shall include any boy or girl under seventeen years of age, who violates any law of this state or any city or village ordinance, or who is incorrigible or who knowingly associates with thieves, vicious or immoral persons, or who is growing up in idleness or crime, or who knowingly visits or enters a house of ill-repute, or who knowingly patronizes or frequents any policy shop or place where any gaming device is or shall be operated; or who patronizes or frequents any saloon or place where intoxicating liquors are sold, or who frequents or patronizes any public pool-room or bucket shop, or who wanders about the streets in the night time without being on any lawful business or occupation, or who habitually wanders about any railroad yard or tracks, or jumps or hooks on to any moving train, or enters any car or engine without lawful authority, or who habitually uses vile, obscene, vulgar, profane, or indecent language or is guilty of immoral conduct in any public place or about any schoolhouse; every child who is vicious, incorrigible or immoral in conduct, or who is an habitual truant from school or who habitually wanders about the streets and public places during school hours without any

lawful occupation or employment. Any child committing any of the acts herein mentioned shall be deemed a juvenile delinquent person and shall be proceeded against as such in the manner hereinafter provided. A disposition of any child under this act, or any evidence given in such cause, shall not, in any civil, criminal or other cause or proceeding whatever in any court, be lawful or proper evidence against such child for any purpose whatever excepting in subsequent cases against the same child under this act.

Juvenile
delinquent
person, when
child deemed.

The juvenile court act of 1906, Act No. 812, held unconstitutional for attempting to extend the jurisdiction of circuit court commissioners beyond the powers of a circuit judge at chambers.—*Hunt v. Wayne Judges*, 142 / 93.

(147) SEC. 2. The probate court shall have original jurisdiction in all cases coming within the terms of this act, and while proceeding under this act shall be termed juvenile division of the probate court. In all trials under this act, any person interested therein may demand a jury of six or the judge of his own motion may order a jury of the same number to try the case, and the jury so ordered shall be summoned and empanelled in accordance with the law relating to juries in courts held by justices of the peace: Provided, That in case the judge of probate in any county is so occupied with the duty devolving upon him in the probate court as not to have time to attend to the cases arising under this act and shall so certify to the circuit court, the circuit judge or one of them in districts where there is more than one circuit judge, to be designated by the judges of said court, shall hear the cases under this act provided to be heard by the judge of probate, but said circuit judge shall not exercise the powers of the probate court in such cases for a longer period than two months, unless a new certificate and designation be made, which shall, in like manner, be effective for a like period. Proceedings under this act shall not be deemed to be criminal proceedings and this act shall not prevent the trial by criminal procedure in the proper courts of children over fourteen years of age, charged with the commission of a felony.

Probate court
to have
jurisdiction.

Jury of six
how and
when em-
panelled.

Proviso, when
case may be
heard in cir-
cuit court.

Proceedings
not deemed
criminal pro-
ceedings.

(148) SEC. 3. All examinations or trials of cases coming under the provisions of this act shall be held in the probate court room or chambers, or in a room in the county court house or in a suitable apartment conveniently near the said court house. The proceedings and finding of the court in all "Juvenile court record."

examinations and trials of such cases shall be entered in a record book or books to be kept for that purpose and shall be known as the juvenile record. The judge may exclude from the court room in trials under this act any person whose presence is deemed prejudicial to the interests of the child or the public, when such person does not have a recognized personal interest in the case. It shall be the duty of the board of supervisors in each county within ninety days after this act shall take effect, to provide and maintain at public expense, a

Trials, etc.,
where held.

Exclusion of
certain per-
sons from
court room.

Detention
place to be
provided, etc.

Location of.
In whose charge.
Child may give bond, etc.
Appointment of counsel.
Proviso as to prosecuting attorney.
County agents, appointment of.
Oath of office, filing of, etc.
Compensation how paid.
Services, etc., by whom certified.
Duties of.

detention room or house of detention or other suitable place, separate from the jail, lockup, police station or other place of confinement used for the incarceration of adult criminals or adults charged with crimes or misdemeanors. Such detention place shall be properly located both for the convenience of the court work, and with a view to the healthful, physical and moral environment of all children within the provisions of this act, who shall, when necessary, be detained in such place of detention so provided. Such place of detention shall be in charge of a matron or other person, capable and of good moral character. Any child held in said place of detention shall have the right to give bond or other security for its appearance at the trial of such case, and the court may, in any such case appoint counsel to appear and defend, on behalf of any such child, who shall be paid out of the general fund of the county or city for such services, such sum as the court shall direct: Provided, That the prosecuting attorney shall appear for the people when ordered by the court.

(149) SEC. 4. The governor shall appoint, in each county of this state, an agent of the state board of corrections and charities, for the care and protection of dependent, neglected and delinquent children, who shall hold his office during the pleasure of the governor, and shall be known as the county agent for the county for which he is appointed. Before entering upon the duties of his office, and within thirty days after receiving notice of his appointment, the said agent shall take and file with the clerk of the county for which he was appointed, the oath of office prescribed by the constitution of this state, and upon such qualification, it shall be the duty of the county clerk to immediately transmit notice thereof to the judge of the court, and to the superintendents of all state and incorporated institutions authorized to receive, or place out on contract, indenture or adoption, any child. The said agent shall receive as compensation for his services under this act, his necessary official expenses, together with the sum of three dollars in full for each day ordered by the court, the superintendent of any state institution, or the state board of corrections and charities, but not exceeding three dollars for any one day's service which shall be audited by the board of state auditors, and paid from the general fund; and when such services and expenses relate to the indenture, adoption or visiting of children placed in families by state institutions, the amounts thereof shall be certified by the superintendent of the institution to which the child may belong; and when such service shall be ordered by the court the amount thereof shall be certified by the court ordering such service; such bill shall specify the time spent, manner of travel, miles traveled and each item of expense incurred. Said agent shall visit all children resident in the county for which he is appointed which shall have been indentured to any person therein by any state institution whenever he shall be so requested to do

by the superintendent of the institution or the state board of corrections and charities, and shall inquire into the management, condition and treatment of such children, and for that purpose may have private interviews with such children at any time, and if it shall come to the knowledge of such agent when making such visits, or at any other time, that any child thus placed in charge of any person as aforesaid is neglected, abused, or improperly treated by the persons having such child in charge, or if such person is unfit to have the care thereof, he shall report the fact to the superintendent of the state institution by which the child was indentured, and the board of such institution, or the superintendent thereof, who may be so authorized to do by said board, on being satisfied that the interests of the child require it shall cancel the indenture by which the child was placed in the family, and shall remove the child to some other family home or directly to the state institution from which the child was indentured. All indentures by which any child shall be placed in a home from any state institution shall reserve the right in the board making the indenture, to cancel the same whenever in the opinion of the board the interests of the child require it. Whenever any indenture is canceled as herein provided, or whenever any child indentured from any state institution has been adopted, notice thereof shall be given to said agent of the county where the child was indentured, by the superintendent of the state institution from which the child was indentured or adopted.

(150) Sec. 5. Upon the filing with the court of a sworn petition, setting forth upon knowledge, or upon information and belief, the facts showing that any child resident in said county, is a delinquent, dependent or neglected child within the meaning of section one of this act, the court may, before any further proceeding is had in the case, give notice thereof to said county agent, or to a duly appointed probation officer, who shall have opportunity allowed him to investigate the facts and circumstances surrounding the case, and upon receiving such notice, the county agent or probation officer shall immediately proceed to inquire into and make a full examination of the parentage and surroundings of the child and all the facts and circumstances of the case, and report the same to the said court, in writing; and if, after full investigation, it shall appear to the court that the public interest and the interest of the child will be best subserved thereby, a summons shall issue, reciting the substance of the petition and requiring the person or persons having custody or control of the child or with whom the child may be, to appear with the child at a place and time which shall be stated in the summons; and if such person is other than the parent or guardian of such child, then said parent or guardian shall be notified of the pendency of the case. When said parents or guardians are non-residents of the county or cannot be found, such

Indentures,
cancellation
of.

Notice of
cancellation.

Petition as to
delinquent
children,
filing of.

Notice of to
county agent.

County agent
to investigate
etc.

Summons,
when and to
whom issued
by court.

STATE OF MICHIGAN.

In case of failure to appear.

When writ may issue.

Proceedings in case.

When child may be returned to parents, etc.

In case of malicious trespass.

In case of larceny.

Child may be ward of court.

Probation officers, appointment and duties of.

To report.

Proviso as to compensation.

Delinquent child may be placed on probation.

Court may revoke probation.

notice shall not be required. If any person so summoned as herein provided shall fail without reasonable cause to appear with the child and abide the order of the court, he may be proceeded against for contempt of court under and in accordance with the provisions of chapters thirty-eight and three hundred one of the compiled laws of eighteen hundred ninety-seven. In case the summons cannot be served, or parties fail to obey the summons and in any case when it shall appear to the court that such summons will be ineffectual, upon complaint on oath and writing, a writ may issue reciting the substance of the complaint and requiring the officer to whom it is directed to bring such child before the court to be dealt with according to law and said child may be committed to the care of the county agent or probation officer, or such other person as the court may designate, pending the final disposition of the case. On the return of the summons or writ, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case upon such testimony as may be produced, and if the allegations against the child are proved the court may adjudge said child a delinquent, dependent or neglected child as the case may be, and if it shall appear to the court that the public interests and the interests of such child will be best subserved thereby, he may make an order for the return of such child to his or her parents or guardians or friends; or if the offense be malicious trespass the court may as a condition of probation require the damage to be made good, or if the offense be larceny and the stolen property be not restored, the court as a condition of probation may require it to be paid for by the child, if it be shown that he is capable of earning the money, or has money of his own, or the court may place the child under probation as hereinafter provided, and in all cases the court may decree the child found delinquent, dependent or neglected to be the ward of the court as far as its person is concerned, and in such cases where any child has been decreed to a ward of the court, the authority of the court over its person shall continue until the court shall otherwise decree. The court may, in its discretion, appoint one or more discreet persons of good character, other than the county agent, to act as probation officers, who, under the order of the court, shall exercise in all cases assigned them the same authority, direction and control of said child as is exercised by the county agent in like circumstances. Said probation officers shall report to the court upon all cases under their care, and also to the state board of corrections and charities: Provided, That the probation officers so appointed shall receive no compensation from the public treasury for the duties performed under such appointment. The child found delinquent may be placed on probation for such time and upon such condition as the court may determine and such child so released on probation may be furnished with a written statement of the terms and conditions of release. At any time during the probationary term of a child released on pro-

bation as aforesaid, the court may, in its discretion, revoke or terminate such probation. If the child be found to be wilfully wayward and unmanageable, and in any case upon the adjudication of delinquency, if in the judgment of the court the welfare of the child and the interests of the public require, the court may cause him or her to be sent to the industrial school for boys at Lansing, or the industrial home for girls at Adrian, or to any state institution authorized by law to receive such boy or girl subject to such conditions of sex, age and character of offense for which committed and duration of commitment, as is or may be provided by law for the reception of children in said school, home or institution, and in such case the report of the county agent or probation officer shall be attached to the mittimus and the child shall be placed in charge of the county agent or some person designated by the court to be conveyed to the institution, for which service the same compensation shall be allowed as is paid sheriffs in like cases: Provided, That when a girl is to be conveyed to any institution, the court shall appoint a suitable woman to accompany such girl.

*When child
may be sent
to certain
institution.*

(151) SEC. 6. Whenever any child under the age of seventeen years is arrested, with or without a warrant, such child shall be taken immediately before the juvenile division of the probate court, and the officer making the arrest shall immediately make and file a petition against such child as hereinbefore provided; and the said court shall proceed to hear and determine the matter in like manner as hereinbefore provided. If, during the pendency of any criminal case against any child in any police or justice court of this state, it shall be ascertained that said child is under the age of seventeen years, it shall be the duty of the police magistrate or justice of the peace before whom such case is pending, to immediately transfer such case, together with all papers connected therewith to the said court, except in cases where the child is over fourteen years of age and is charged with a felony. Upon such transfer the said court may proceed to hear and dispose of the case in the same manner as if said child had been brought before the court upon petition, as hereinbefore provided, and the court shall require an investigation to be made as in other cases under this act.

*Proviso as to
conveying
girls.*

*Child under
seventeen
arrested, to be
taken im-
mediately be-
fore the
juvenile
court.*

*When case to
be transferred
from police
court, etc.*

(152) SEC. 7. When any child under the age of seventeen years shall be found to be a dependent or neglected child within the meaning of this act, the court may make an order committing the child to the care of some suitable state institution subject to the law and regulations governing such institution, or to the care of some reputable citizen of good moral character, or to the care of some training school, or industrial school as such provided by law, to the care of some association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children, which association shall have been approved by the state board of corrections and charities. The

*Proceedings
of juvenile
court upon
transfer.*

*Dependent
child under
seventeen
may be com-
mitted to
state insti-
tution, etc.*

When placed
in hospital,
etc.

court shall, when the health or condition of the child shall require, cause the child to be placed in a public hospital or in an institution for treatment or special care, or in a private hospital or institution, for special care or treatment, the expense to be paid from the general fund of the county of which the child is a resident.

Child under
twelve not
committed to
jail, etc.

(153) SEC. 8. No child under the age of twelve years shall be committed to any jail or police station, but may be committed to the care or custody of the county agent or other suitable person or duly appointed probation officer who shall keep such child in some suitable place provided by the city or county outside of the enclosure of any jail or police station.

Child under
seventeen
under arrest,
etc., not con-
fined with
adults.

No child under seventeen years of age while under arrest, confinement, or conviction for any crime, shall be placed in any apartment or cell of any prison or place of confinement with any adult who shall be under arrest, confinement, or conviction of any crime, or be permitted to remain in any court room during the trial of adults, or be transported in any vehicle of transportation in company with adults charged with or convicted of crime: Provided, That this shall not be construed as repealing act number one hundred ten of the public acts of nineteen hundred one.

Proviso.

(154) SEC. 9. The judges of probate shall receive for their services under this act in addition to their regular salary the sum of one hundred dollars for each fifteen thousand inhabitants or fraction thereof in their respective counties, which shall be paid from the same fund and in the same manner as their regular salaries are now paid: Provided, That in counties having cities in which municipal juvenile courts are or may be established, the population of said cities shall be deducted in computing the amount of salary of the probate judge for said county.

Proviso as to
counties hav-
ing cities
with juvenile
courts.

(155) SEC. 10. All children while under orders of the court shall be in the care and custody of the county agent or probation officer or such other person as the court may designate, and all necessary expenses incurred for the proper care and maintenance of said children while in such custody shall be paid by the county treasurer on the order of the court.

County agent
to approve
persons ap-
plying for
children.

(156) SEC. 11. Children intended by this act shall not be indentured, apprenticed or otherwise disposed of, until the person applying for any such child shall have been approved in writing by the county agent of the county in which such person resides.

Probate judge,
temporary
vacancy of,
how filled.

(157) SEC. 12. In case of the absence or disability of the probate judge, the provisions of the general law as to filling such temporary vacancies shall apply in all proceedings under this act.

Repealing
clause.
Proviso.

(158) SEC. 13. All acts or parts of acts inconsistent herewith are hereby repealed, except as to the counties of Houghton and Marquette: Provided, That this act shall not affect any proceeding or proceedings pending at the time this

act takes effect: And Provided further, That this act shall not affect the provisions of act number six hundred eighty-four, local acts of nineteen hundred seven, providing for a municipal juvenile court for the city of Detroit in the county of Wayne: And Provided further, That the provisions of this act shall not apply to the counties of Houghton and Marquette.

AN ACT to provide for the government, management and control of the state public school at Coldwater, and to repeal all acts or parts of acts inconsistent with this act.

[Act 143, P. A. 1903.]

The People of the State of Michigan enact:

(159) SECTION 1. That the government, management, control and supervision of the state public school shall be vested in a board of control, to consist of three members, who shall be appointed by the governor, by and with the advice and consent of the senate, and shall serve without pay, as members of said board, except for actual and necessary expenses incurred in the discharge of their official duties, which shall be audited by the board of state auditors and paid from the general fund; the members of which board shall each hold his office for the term of six years from the first day of January preceding his appointment and until his successor is appointed and qualified. The members of said board, at the passage of this act, shall continue in office for the time for which they were appointed, and after the first day of January in the year nineteen hundred five, there shall be a member of said board appointed each two years by the governor, by and with the advice and consent of the senate, whose term of office shall continue for six years from the first day of January preceding his appointment, and until his successor is appointed and qualified. The said board of control shall have the power to take and hold by purchase, gift, donation, devise or bequest, real or personal estate, to be applied to the use of said institution.

(160) SEC. 2. It shall be the duty of said board to meet once each month, and oftener when necessary. It shall elect from its number a president and secretary. It shall also elect a treasurer, who may or may not be a member of said board. The said treasurer shall give his bond to the people of this state, with two or more sureties, to be approved by the governor and said board in the penal sum of ten thousand dollars, or in such larger sum as said board or the governor may require, conditioned for the faithful discharge of the duties required of him by law, and to account for and pay over, as required by law, all moneys received by him as such treasurer. The said treasurer shall also perform such other

duties as may be required of him by said board, and shall receive for all such services, such salary as may be allowed by the governor and board of state auditors to be paid from the general fund. The officers of said board shall hold their respective positions during the pleasure of said board. The said board shall establish a system of government for said school, including all necessary regulations for the good order thereof; for the maintenance, health, instruction and moral training of the children in said school; for placing them in family homes, and for their supervision while they remain the wards of said board. The said board shall appoint a superintendent, matron, cottage managers, teachers, and such other officers and employes as it shall deem necessary; who shall severally hold their offices during the pleasure of said board, and said board shall prescribe their duties, and fix their salaries, subject to the approval of the governor.

Board to
establish
system of
government.

To appoint
employees.

When super-
intendents of
poor may
petition pro-
bate court.

Petition what
to contain.

Hearing of.

In cases of
abandonment.

(161) SEC. 3. Whenever the superintendents of the poor of any county shall find in their counties any child who, in their opinion, is dependent on the public for support, is sound in mind and body, has no chronic or contagious disease and no parents against whom its support can be enforced by law, and who is over one and under twelve years of age, they shall file a petition in the probate court of their county, signed by at least two of their number, wherein they shall state that, in their opinion, the child named is dependent on the public for support, is between one and twelve years of age, is sound in mind and body, has no chronic or contagious disease, and has no parents against whom its support can be enforced as provided by law. They shall, in said petition, give the names, residence and occupation of the parents, so far as they are able, stating whether either or both is dead, or has abandoned the child; requesting therein an examination and determination by said court as to such alleged dependence, and that should the child be found dependent on the public, by said court, that an order be entered by said court sending said child to the state public school. That upon the filing of such petition, if it shall appear therein that one or both of said parents reside in said county, the said court shall issue a citation fixing the time and place for a hearing on such petition, which shall be served on both of said parents if they can be found in said county, and if only one can be found, then, on that one, not less than two days before the time fixed for said hearing, requiring them to appear on said day and hour, in said court, and show cause, if any, why said child should not be declared, by said court, to be dependent on the public for support and sent to the state public school. That if it shall appear by such petition that neither of said parents are living, or do not reside in said county, or have abandoned the child, or in case said parents, if both can be found in said county, or if only one can be found, then that one shall endorse on said petition a request that the child be sent to said school as requested therein,

then the citation herein provided for need not be issued, and the court may thereupon proceed with the examination herein provided for. It shall be the duty of the officer who receives such citation to use due diligence to find and serve the same on said parents. In case one or both of said parents appear in court, it shall be the duty of the judge of probate to explain to the one appearing, that the effect of an order of the court, sending their child to said school, will be to deprive them of their parental rights thereafter, to the custody, services and control of their child; and in case one or both of said parents sign the petition named, such petition shall state that such explanation was made by said judge to the one appearing.

Court to explain to parents.

(162) Sec. 4. On such examination, one of said superintendents of the poor shall appear in behalf of said petition; and the child may or may not be produced in court, as the judge may order; whereupon it shall be the duty of said judge to investigate the facts and ascertain whether the child is dependent on the public for support, its residence, and, as far as possible, the whereabouts of the parents; when and how long the child has been maintained, in whole or in part by the public, or by private charity; the occupation of the parents, if living; whether they are or have been supported by the public; whether they have abandoned the child; and if the child is found dependent on the public, the causes thereof. The said judge is authorized to compel the attendance of witnesses on such examination; and it shall be the duty of the prosecuting attorney, when so requested by said judge, to appear at any such examination in behalf of the petition. Any friend of said child may appear in said court in its behalf, and the said judge may, in his discretion, request the supervisor of any township or ward, to appear in behalf of the child; yet it shall not be necessary to issue a citation to other than the parents. The record of the proceedings shall show who, if any one, appeared in behalf of the child on such examination, and in case of the appearance in court of one or both of the parents, that the said judge made the explanation, as provided in section three of this act.

Judge to investigate.

May call witnesses.

Record, what to show.

(163) Sec. 5. If on such examination the said judge shall find that the child is dependent on the public for support, and is admissible to said school, as provided in sections three or seven of this act, he shall enter such finding by a proper order in the journal of his court, certifying that the child is dependent on the public for support, is entitled to admission to the state public school at Coldwater, and shall order it to be taken to said school by the agent of the board of corrections and charities of the county to which the child belongs and admitted there; and shall deliver to the said agent a certified copy of such order, which shall contain, besides said findings, a statement of the facts that are herein required to be inquired into, as far as they can be ascertained, to which shall be attached the certificate of the physician re-

When may order child sent to school.

Order, what to contain.

quired by this act, and the said agent shall deliver such copy with said child, at said school, to the superintendent thereof, as soon as practicable, after the making of said order: Provided, That in any case where a child under one year of age or between the ages of twelve and fourteen years has been committed to the said school and the agent of the county to which the child belongs shall certify, in writing, to the judge of probate, that he has found a suitable home for the child in his county, where the child will be taken on indenture, or by adoption, the superintendent of said school may, under such regulations as said board may adopt, notify said agent that he may place the child in the family, already provided, without bringing it to the school; the name of the child to be entered on the records of the school and indentured and supervised, when indentured, and subsequently may be adopted as the other wards of said board. Where authority is given to indenture a child without sending it to said school, the probate judge will order it to be placed in the approved family by the county agent, and shall then send the certified copy of the proceedings before him and the certificate of the physician to said school. Upon entering the order of the court, the child in all cases is admitted to said school and becomes a ward of said board; and the parents of the child are released from all parental duties towards, and responsibility for the child; and thereafter they shall have no right to its custody, services or earnings, except in cases where it may be restored to the parents by said board, as hereinafter provided.

Am. 1907, Act 301.

Object of act.

(164) SEC. 6. The object of this act is to provide a temporary home for dependent children in said school, where they shall be retained only until they can be placed in family homes, except as to the children provided for in section seven of this act, who may be retained in the discretion of said board for the purposes provided for in said section. The said board is hereby declared the legal guardian of the persons of all children found dependent on the public for support, on the entering of the order of the judge committing the child to this school, which guardianship shall continue during the minority of the child, except in those cases where the guardianship shall cease as provided in this act. It shall be the duty of said board to use special diligence to provide suitable homes for such children which shall be approved as herein provided; and place them therein on a written agreement to remain until they are twenty-one years of age, or in the discretion of said board, until they are eighteen years of age. Such contracts shall be made by said superintendent on behalf of said board and shall provide for their education in the public schools where they reside, for teaching them some useful occupation, for kind and proper treatment as members of the family where placed, and for the payment on

*Proviso, as to
finding home
for child.*

*When judge
may place
child in
family.*

*Parents
released.*

*Board de-
clared guard-
ian.*

*Duties of
board.*

*Provisions of
contracts.*

the termination of such contract to said board, for such children, such sum of money as may be agreed on in said contract, which shall contain a clause reserving to said board the right to cancel the same when, in the opinion of said board, the interest of the child requires it, and also, authorizing the person taking the child to cancel the contract at any time within sixty days from its date, on returning the child to said school, free of all expense; except in the case of children who, for any reason cannot be placed or retained in a family home, and who, in the opinion of the board of control, could be fitted morally and physically for a home by being retained in the institution, for manual training or for being taught domestic science or for acquiring any trade, may be retained for that purpose such time as said board may determine: Provided, however, That in the discretion of said board, in case of children not on indenture and over sixteen years of age, such contract may provide only for wages to be paid to the child or to said board for the benefit of the child, and for kind and proper treatment. Whenever any ward of said board, who is not on indenture, and is over sixteen years of age, has become self-supporting, the said board may so declare by resolution, and thereupon said guardianship shall cease, and the child shall thereafter be entitled to its own earnings. Whenever one or both of the parents of any ward of said board, who is not on indenture, have become able to support it, and the home is a suitable one for the child, it may, by resolution of said board, be restored to its parents; in which case the suitableness of the home shall be certified in the same manner as herein required for placing children on indenture, and thereupon said guardianship shall cease.

(165) SEC. 7. The state public school shall receive all children committed to it, pursuant to this act, and it shall be unlawful for the superintendents of the poor to retain and support in their county any child admissible to this institution, or to indenture or give away any such child. The expense of transportation of such children to said school, pursuant to law, and that of returning them to their counties after their admission, as improper inmates of said school, shall be audited by the board of state auditors and paid from the general fund. This act shall, in all respects, apply to children of such age, under one year and between the ages of twelve and fourteen years as said board may elect: Provided, That in the case of those under one year of age and between the ages of twelve and fourteen years they shall be received into said school when there is room for them and provision has been made for their support and education while therein, under such regulations as the said board may establish, which shall include the provision that the superintendent of said school, being so authorized by said board, shall endorse on the petition his certificate stating that there is room in the institution for the admission of the child, and

School to receive certain children.

Transportation, how paid.

Application of act as to age.
Proviso, as to room.

When superintendent of poor to act for township.

that provision has been made for its support and education while therein. In those counties in which the distinction between township and county poor is maintained, it shall be the duty of the superintendents of the poor of such counties, on the written request of the supervisor of such township, to act for such township in securing the admission of dependent children of such township to said school and in all respects, as though such children were supported by the county.

Am. 1907, Act 301.

Poor children received.

(166) Sec. 8. There shall be received into said school those children who have been declared dependent on the public for support, as provided in this act, and they shall be retained therein until they are sixteen years of age, and longer in the discretion of said board, unless they are, before sixteen years of age, sent out as herein provided. The said board is authorized to return to the counties from which they were sent, the following classes of children:

Board may return certain.

First, Those who have become sixteen years of age and who, for any reason, cannot be placed in or retained in family homes, excepting therefrom, those retained for instruction in some industry;

Over sixteen.

Second, Those who, by reason of vicious habits or incorrigibility cannot be placed in or retained in family homes, nor retained with safety at the institution;

Vicious habits.

Third, Those who, in the opinion of said board, based on the certificate of the physician of said school, are of unsound mind or body or have some serious physical disability which prevents their being placed in family homes, or taught some useful occupation. While in said school they shall be maintained and educated in the branches usually taught in the common schools. They shall have proper moral and physical training and shall be taught how to labor as far as their age and condition will permit. Whenever any child shall be ordered by said board to be returned to its county, as herein provided, the guardianship of said board shall cease, and the child shall thereupon become a charge on the county from which it was sent, and the superintendent of said school, in returning the child to its county, shall report in writing, to the superintendents of the poor of the proper county, the action of said board and the reasons therefor, which report, if for physical or mental disability, shall be accompanied by a certificate of the physician of the school, giving the nature of the disability.

Physically or mentally unsound.

When guardianship of board to cease.

(167) Sec. 9. That whenever, on the examination provided for in this act, the judge of probate shall determine that the child is dependent on the public for support, he shall cause it to be examined by the county physician of that county, if there be one, and if not, then by another respectable practicing physician; and shall in no case enter the order in his journal showing the child has been committed to said school, unless the physician making such examina-

Child to be examined by physician.

tion shall certify in writing, under oath, filed in said court, that the child examined by him, is, in his opinion, of sound mind, and has no chronic or contagious disease, and in his opinion, has not been exposed to any contagious disease within fifteen days prior to such examination before the judge of probate; that a copy of such certificate shall be attached to the other papers required by this act to accompany each child to said school. The provisions of this section shall apply to all children ordered to be sent to said institution, under any law of this state.

(168) SEC. 10. The superintendent or board of control of ^{Adoption.} said school is hereby authorized to consent to the adoption of any child who may be a ward of said board, by any person or persons, pursuant to the law for the adoption and change of name of minors and making them heirs at law of the person or persons so adopting them, with the consent of the county agent of the state board of corrections and charities for the county wherein the person or persons adopting the child resides. That on such adoption the child so adopted, shall cease to be a ward of said board.

(169) SEC. 11. The said board is authorized to appoint an <sup>State agent
of school.</sup> agent of said school who shall be known as the state agent thereof, and an attendant to accompany children when going into families, or returning from them. That the duties of the attendant shall be prescribed by said board, which shall include his acting as assistant state agent whenever said board shall direct, and he is not occupied as attendant. The duties ^{Attendant.} of state agent and of the attendant, when acting as assistant state agent, shall be designated by said board and shall include visiting at such times as said superintendent may direct, the wards of said board which have been placed in families, and reporting to said superintendent the condition of such children, and any failure to comply with the terms of the indentures; and it shall also be their duty to find homes for the children of said school, to investigate application for such children and report thereon to said superintendent. The <sup>Duties of
agent and
attendant.</sup> salaries of said state agent and attendant shall be allowed by said board and approved by the governor and their salaries and expenses shall be allowed by said board, audited by the board of state auditors, and paid from the general fund.

(170) SEC. 12. The said board shall, biennially, report to the governor, legislature and the superintendent of public instruction, and present a detailed statement of the operations of said institution, for the two fiscal years preceding the regular session of the legislature, which shall include the report of the treasurer of said board, of all receipts and disbursements in his office for the same period, setting forth the condition of said school, the names of the regular employes and the salary of each, the number of children who have received instruction, the number during each year in the school, the discipline prescribed, the studies pursued, the books used, the expense per capita for average attendance, the expense per <sup>Reports and
statements of
board.</sup>

Proviso.

capita, estimating therein the additional expenses for those indentured, and such other information as he may deem important, or the governor or superintendent of public instruction may request: Provided, That in any report of any officer of said school or any agent of the board of corrections and charities, or any state officer, required by law to publish any report of any public institution, no names of such children, wards of said board, shall be published. Chapter one hundred fifty-two of the compiled laws of eighteen hundred ninety-seven, shall not apply to said institution.

**Report from
children on
indenture.**

(171) SEC. 13. It shall be the duty of said board to procure at least one report every six months from each child on indenture, one of which shall be from the person with whom it is placed and the other from the county agent of the board of corrections and charities, or the state agent, or both, at such times as the superintendent of said school shall indicate. If it shall appear by any such report, or from any other source that the child visited is neglected, not well treated as a member of the family, or that for any reason the person having the child is unfit to have the care thereof, the board of said school shall, as soon as practicable, cause the child to be removed from that home, cancel the indenture, and return it to said school, or remove it directly into another approved home, as said superintendent may direct. Whenever said county or state agent shall remove a child in such manner, he may place it in another approved home before filing the approval at the institution.

**Application
for child, to
whom made.**

(172) SEC. 14. Any person desiring to take a child from said school by indenture or adoption, shall apply for that purpose in writing, in such form as said board shall prescribe, to the superintendent or agent of said school, or to the agent of the board of corrections and charities, of the county in which the applicant resides. That the officer who received the application, other than the said superintendent, shall, in person, investigate the condition of the home of the applicant, and report, in writing, to the said superintendent in such form as said board may prescribe, the facts ascertained and state whether, in his opinion, the applicant is a proper person and has sufficient means to have the care and education of the child; and no child shall be taken from said school to be placed on trial, or by indenture or adoption, unless the home shall be approved by the county agent of the board of corrections and charities of the county where the applicant resides or by the said state agent. It shall be the duty of the agents of the board of corrections and charities in their respective counties, to visit the wards of said board in their respective counties, in families on indenture, at such times as they are requested to do by the said superintendent and to report on the homes visited, as provided in section thirteen of this act.

**Who to visit
certain wards.**

(173) SEC. 15. Those children committed to said school by order of the judge of probate, by reason of ill treatment, as provided by act two hundred sixty of the public acts of

**Children to be
treated same.**

eighteen hundred eighty-one, shall be received, held, treated and disposed of, in all respects, in the same manner as those committed because of dependence on the public for support.

(174) SEC. 16. It shall be the duty of said board to pre-
serve in said institution, all legal and other papers of import-
ance, including reports of county and state agents, and shall
provide and keep suitable record books, in which shall be
entered, during the time of the guardianship of said board,
a brief history of each child, showing its name, age, county,
former residence, when received, indentured, adopted the
names of the parents, their residence, occupation, habits and
character, so far as can be ascertained, and the name, resi-
dence and occupation of the person who has taken the child
by indenture or adoption.

Board to pre-
serve papers,
etc.

Sec. 17 repeals inconsistent acts.

CHAPTER VII.

Asylums.—Psychopathic Hospital.

AN ACT to revise and consolidate the laws organizing asylums for the insane and to regulate the care, management and use thereof, and to provide for the apprehension of persons believed to be insane, and for their care and custody.

[Extract from Act 217, P. A. 1903.]

(175) SEC. 13. Patients are divided into three classes as follows:

Patients, how
divided.

First, Public patients, who are insane persons and are kept and maintained at the expense of the state, except as hereinafter provided;

Second, Private patients, who are insane persons and are kept and maintained without expense to the state;

Third, Voluntary patients, who are not insane and are kept and maintained without expense to the state; but no patient of this class shall be kept or received in any public asylum, so long as there may be application for admission of patients of any other class from the district to which the asylum belongs, which cannot be granted because of a lack of accommodations to receive such patients.

(176) SEC. 14. No person who is a resident of this state shall be held as a public or private patient in any asylum, to be held as patient with certificate. public or private, or in any institution, home or retreat, for the care or treatment of the insane, except upon certificates of insanity and an order for admission as hereinafter provided: Provided, That in the county of Wayne such persons as may have been or may hereafter be adjudged to be so addicted to the excessive use of intoxicating liquors, or narcotic or noxious drugs, as to be in need of medical and sanitary treatment and care for whose person a guardian has or may

Proviso, cer-
tain persons
under guar-
dianship in
Wayne
county.

Proviso, when may be removed to hospital, etc. be appointed with power to restrain his said ward in some suitable hospital or asylum for treatment: Provided, Whenever it shall appear to a judge of any court of record, or a police justice of any city or county, where such person may be, from a certificate of two legally qualified physicians, to be necessary and essential so to do, said judge or police justice may authorize any superintendent of the poor or peace officer of said city or county to take into custody and cause to be removed to any hospital or other place of detention, any person believed to be insane against whom no proceedings have been instituted under this act, and such person may be detained until such proceedings as hereinafter provided shall be instituted in the probate court: Provided further, That the period of such temporary detention shall not exceed five days, unless the probate court shall by special order enlarge the time.

Further proviso, period of temporary detention.

Am. 1907, Act 335.

Certificates of insanity.

Form of.

(177) SEC. 15. Certificates of insanity must be made by two reputable physicians, under oath, appointed by the probate court of the county where such alleged insane person resides, or is an inhabitant, to conduct the examination. The physicians must be permanent residents of the state, duly registered according to law, have the qualifications prescribed by the laws of this state for the practice of medicine and surgery therein, and shall not be related by blood or marriage to the alleged insane person, nor to the person applying for such certificate, and such qualification shall be certified to by the clerk of the county in which such physicians reside, which certificate shall be in the following form:

State of Michigan, } ss.
County of.....} ss.

I hereby certify that..... of is a duly registered physician and surgeon, and has the qualifications prescribed by the laws of this state for the practice of medicine and surgery therein, as shown by..... certificate of registration now on file in my office.

(Seal.)

County Clerk.

Physician not to be interested personally.

Personal examination.

Certificates, what to show.

Neither of such physicians shall be a trustee, superintendent, proprietor, officer, stockholder, or have any pecuniary interest, directly or indirectly, or be an attending physician, in the institution to which it is proposed to commit such person. The physicians are empowered to go where said alleged insane person may be and make such personal examination of him as to enable them to form an opinion as to his sanity or insanity, and no certificate of insanity shall be made except after such personal examination. Certificates of insanity must show that it is the opinion of the physicians that the alleged insane person is actually insane, and shall contain the facts and circumstances upon which

the opinion of the physicians is based, and show that the condition of the person examined is such as to require care and treatment in an asylum for the care, custody and treatment of the insane. Each physician making such examination and certifying the condition as to the sanity of such alleged insane person, shall, regardless of whether he finds such person to be insane or not, be entitled to receive for such services a sum of not less than five dollars, and ten cents per mile for travel necessarily performed in going to the place of such examination, and such further sum for expenses as the probate court shall allow.

Compensation.

Am. 1907, Act 158.
See Grisby v. Probate Judge, 137 / 51.

(178) SEC. 16. The father, mother, husband, wife, brother, sister or child of a person alleged to be insane, or the sheriff or any superintendent of the poor, or supervisor of any township, or any peace officer within the county in which the alleged insane person resides, or may be, may petition the probate court of said county for an order directing the admission of said person to an asylum or institution for the care of the insane, such petition to contain a statement of the facts upon which the allegation of insanity is based and because of which the application for the order is made. Upon receiving such petition the court shall fix a day for the hearing thereof and shall appoint two reputable physicians to make the required examination of the alleged insane person, whose certificate shall be filed with the court on or before such hearing. Notice of such petition, and of the time and place of hearing thereon, shall be served personally, at least twenty-four hours before the hearing, upon the person alleged to be insane, and if made by a sheriff or peace officer, also upon the father, mother, husband, wife, or some one of the next of kin, of full age, of such alleged insane person, if there be any such known to be residing within the county, and upon such of said relatives residing outside of the county and within this state as may be ordered by the court, and also upon the person with whom such alleged insane person may reside, or at whose house he may be. This notice may be served in any part of the state. The court to whom the petition is presented may dispense with such personal service or may direct substituted service to be made upon some person to be designated by it. The court shall state in a certificate to be attached to the petition its reason for dispensing with personal service of such notice, and, if substituted service is directed, the name of the person to be served therewith. In such cases the court shall appoint a guardian ad litem to represent such insane person upon such hearing, and in other cases it may appoint such guardian ad litem. The court shall also institute an inquest, and take proofs, as to the alleged insanity of such person, and fully investigate the facts be-

Who may petition for admission of insane to asylum.

Duty of court relative to hearing.

Notice of, how and upon whom served.

When may dispense with personal service.

When may determine question of sanity.

fore making such order, and, if no jury is required, the probate court shall determine the question of the sanity or insanity of such person. If the court shall deem it necessary, or if such alleged insane person, or any relative, or any person with whom he may reside, or at whose house he may be, shall so demand, a jury of twelve freeholders, having the qualifications required of jurors in courts of record, shall be summoned to determine the question of insanity, and whenever a jury is required the court shall proceed to the selection of such jury in the same manner as is provided for the selection of a jury for the condemnation of land for railroad purposes, and such jury shall determine the question of the sanity or insanity of the alleged insane person. The jurors shall receive the same fees for attendance and mileage as are allowed by law to jurors in the circuit court. Pending such proceedings for admission into the asylum, if it shall appear, upon the certificate of two legally qualified physicians, to be necessary and essential so to do, the court may order the alleged insane person to be placed in the custody of some suitable person, or to be removed to the asylum of the district in which he resides, or to any hospital, home or retreat, to be detained until such petition can be heard and determined: Provided, however, That the period of such temporary detention shall not exceed thirty days, unless the court shall, by special order, enlarge the time. The alleged insane person shall have the right to be present at such hearing, unless it shall be made to appear to the court, either by the certificate of the medical superintendent of the asylum, or the officers in charge of such hospital, home or retreat to which he may have been temporarily admitted, or by the certificate of two reputable physicians, that his condition is such as to render his removal for that purpose, or his appearing at such hearing, improper and unsafe. If such person shall be found and adjudged to be insane, the court shall immediately issue an order for his admission to an asylum. If, at the time of, or before the making of such order, a bond for the support of such insane person, at such asylum, in accordance with the by-laws thereof, shall be executed by at least two persons to be approved by such probate court and delivered to him, together with such sum, as an advance payment toward his support, as such by-laws may require, the admission of such insane person shall be ordered as a private patient, otherwise as a public patient. Such bond and advance payment, together with the order of admission, shall be transmitted by the probate court to the medical superintendent of the asylum. Until such bond and advance payment are delivered to the medical superintendent, the insane person shall be admitted into the asylum only as a public patient. The county in which such proceeding is had shall be liable to the state for the support of such patient until such bond and advance payment are delivered to the medical superin-

When jury to be summoned.

Temporary detention of patients.

Proviso.

When insane to be present at hearing.

When admitted as private patient.

County liable for support.

tendent. In case the admission of such insane person is ordered as a public patient, then the county of which such person is a resident shall be liable to the state for the support of such patient for one year. At the request of the medical superintendent, the court shall require the persons executing such bond to justify their responsibility anew, or order that a new bond be given in the place of the original one, which justification or new bond shall be transmitted to the medical superintendent, and unless such justification or new bond shall be delivered to the medical superintendent, the insane person shall, from the time of such request, be regarded as a public patient. If the relatives or friends of such insane person shall so request, the court shall order his admission, as a private patient, to any institution, home or retreat for the care or treatment of the insane in this state, other than one of the asylums of the state, upon such relatives or friends complying with the rules and regulations of such institution, home or retreat for the admission and support of the insane person as a private patient. The court may appoint a proper person or persons to take such insane person to the asylum, institution, home or retreat, who shall each receive, as pay for such services, the sum of three dollars per day, together with his necessary expenses. The court, upon making such order for admission into an asylum, if, in his judgment, a guardian of such insane person is needed before a guardian of his or her person and estate can be readily appointed, may by a separate order, and without further notice, appoint summarily a guardian of the person only, of such insane person, which guardianship of the person shall continue only until a guardian both of his person and estate shall be regularly appointed. Such guardian of the person shall give a bond in such sum as may be directed by the court, and with sureties to be approved by the court. The guardian shall have the same rights and be subject to the same duties with respect to the person of his ward as guardians of incompetent or insane persons have by law, except that he shall not interfere with the admission and detention of the insane person pursuant to the order for admission. The order for admission shall be substantially in the following form:

State of Michigan,

Form of order
for admission.

The Probate Court of the County of.....

At a session of said court, held at the probate office in the of..... in said county, on the..... day of
..... A. D. 19....

Present, Hon., Judge of Probate.

In the matter of Insane
..... having been appointed for hearing the petition of praying that said.....
..... be admitted to the as a patient,
and due notice of the hearing on said petition having been

When court
may require
new bonds.

When may
appoint
guardian.

Powers and
duties.

STATE OF MICHIGAN.

given as required by law and as directed by said court, the said petitioner appeared

It appearing to the court upon filing the certificates of two legally qualified physicians, and after a full investigation of said matter, with the verdict of a jury that said is insane and a fit person for care and treatment in said asylum, and that should be admitted to said asylum as a patient.

It is ordered, That said be admitted to said asylum as a patient.

It is further ordered, That be and is hereby authorized and directed to remove said to said asylum, with full power and authority for that purpose.

Judge of Probate.

No person shall be admitted to any such institution under such order after the expiration of thirty days from and inclusive of the date thereof.

Notice, see In re Schapka, 149 / 309.

State to pay
expenses for
support of
patients.

(179) SEC. 17. The state shall pay to the several asylums all expenses for keeping and maintaining public patients therein, including their clothing and all other expenses of the asylum for said public patients. An account of these expenses, verified by the oath of the medical superintendent, shall be sent to the auditor general quarterly, who shall draw his warrant therefor on the state treasurer who shall pay the same out of any moneys appropriated for that purpose, if there be any, and if not, then out of the general fund. Every public patient, if he has an estate sufficient for that purpose, and if not, then such relatives as are legally liable for his support, shall be liable to the state for all expenses paid by it on his behalf.

When patient
liable.

Who to
represent
state in
proceedings.

(180) SEC. 18. Upon making the order for admission of a public patient, the probate court shall forthwith deliver a certified copy thereof to the prosecuting attorney of the county. The prosecuting attorney is charged with the duty of appearing for and representing the state in all proceedings to reimburse it for the expenses which it may pay for a public patient, and to subject the estate of the insane person, and his relatives who are legally liable for his support, to the payment of such expenses. The attorney general shall have supervision of the prosecuting attorneys in conducting such proceedings, and shall report to the governor any neglect therein on the part of the prosecuting attorneys.

Proceedings
in case public
patients
possessed of
an estate.

(181) SEC. 19. When any insane person has been admitted to an asylum as a public patient, the prosecuting attorney of the county in which the order for admission was made, shall, if such person be possessed of any estate, or shall thereafter, while he shall remain such public patient, become possessed thereof, petition the probate court of said county in his name as prosecuting attorney, stating that such person

is insane and has been admitted to an asylum as a public patient, and that he has good reason to believe and does believe that he has an estate, and praying for the appointment of a guardian of such ~~insane~~ person, if one has not already been appointed, and that said ~~estate~~ may be subjected to the payment to the state of the ~~expenses~~ paid and to be paid by it on behalf of said ~~insane~~ person as a public patient. The court shall thereupon issue a citation to show cause why the prayer of the petition should not be granted. If the ~~insane~~ person has a guardian, the citation shall be served on him. If he has no guardian, it shall be served on the ~~insane~~ person and also upon his father, mother, husband, wife, or some one of his next of kin, if any are known and can be found. The citation shall be served at least fourteen days before the day of hearing, and may be served in any part of the state, in the manner provided by the rules of the probate courts. The court may appoint a guardian ad litem for the ~~insane~~ person. At the time of the hearing if it appear that the ~~insane~~ person has an estate which ought to be subjected to the claim of the state, the court shall, without further notice, appoint a guardian of the person and estate of the ~~insane~~ person if he has no such guardian, and the court shall make an order requiring said guardian to appropriate and apply such estate to the payment of so much or such part thereof as may appear to be proper toward reimbursing the state for the expenses thereto incurred by it on behalf of such ~~insane~~ person, and such part thereof towards reimbursing the state for the future expenses which it may pay on his behalf, as may to the court appear to be just and equitable, regard being had to the claims of persons having a moral or legal right to maintenance out of the estate of the ~~insane~~ person. If such guardian shall neglect or refuse to comply with such order, the court shall cite him to appear before the court at such time as it may direct, and show cause why he should not be removed, and to render an account of all money or property in his hands as such guardian, and on his continued failure to comply with said order, or to appear or render such account, the court may remove him and appoint some other suitable person in his place. As an additional remedy, the prosecuting attorney may enforce payment of the sums provided in the original order, by a proper action in the name of the state. If, in the opinion of the court, the estate of the ~~insane~~ person is sufficient to pay the costs of these proceedings, the guardian shall be ordered to pay the same. In all other cases a certified copy of the taxed bill of costs shall be furnished to the county treasurer. The county treasurer shall pay the same to the persons entitled thereto. The proceedings provided for by this section may be begun at any time before the final discharge of said patient from said asylum, and not afterwards, and recovery thereunder may be had for the expenses incurred on behalf of such ~~insane~~

When court
may appoint
guardian for.

When guard-
ian may be
removed.

When pro-
ceedings may
be begun.

Proceedings
when patient
has relatives
liable for
support.

person during the entire period or periods such insane person has been a patient in said asylum.

(182) SEC. 20. If a public patient is an indigent person and has relatives who are legally liable for his support, the prosecuting attorney of the county in which the order of admission was made, shall petition the probate court of said county in his name as prosecuting attorney, stating that the insane person has been ordered admitted to an asylum as a public patient, that he is an indigent person and that he has relatives (naming them) who are legally liable for his support, and praying that said relatives may be adjudged to reimburse the state for the expenses paid and to be paid by it in his behalf. The court shall thereupon issue a citation to said relatives to show cause why the prayer of the petition should not be granted. The citation shall be served at least fourteen days before the day of hearing, and may be served in any part of the state. If it shall appear to said court on said hearing that such insane person is indigent, and that he has relatives, who are parties to said proceedings, who are legally liable for his support, and who are able to contribute thereto, he may make an order requiring the payment by such relatives of such sum or sums as he may find they are reasonably able to pay, not exceeding, however, in all, the sum of two hundred dollars per year. Said order shall require the payment of such sums to the state treasurer to be made annually, semi-annually or quarterly, as the court may direct. The court shall furnish the state treasurer a certified copy of such order, and it shall be the duty of the state treasurer to collect the sums therein named and to turn the same into the state treasury, so long as such insane person is a public patient. If such relatives so ordered to pay shall neglect or refuse so to do, the state treasurer shall notify the prosecuting attorney of the county in which the proceedings were had, and in case any of said relatives reside in another county or counties, then also the prosecuting attorney of such other county or counties, of such neglect or refusal, and the prosecuting attorney of the county where said relatives or any of them reside, shall proceed by action, to be brought in the name of the state, to collect such sum. Such action may be brought in any county where any of said relatives may reside. If any person so ordered to contribute to the support of such insane person shall at any time become unable to pay the sum so ordered, such person may petition the probate court, setting forth the facts; upon the filing of such petition the court shall appoint a day of hearing thereon, and notice of such hearing shall be served on the prosecuting attorney of the county not less than six days before the day of hearing. If the court is satisfied that such person is no longer able to contribute such sum, it may make an order vacating or modifying the original order, and a certified copy of the order so made shall be furnished to the state treasurer. The

In case of
refusal of
relative to
pay.

When relative
becomes un-
able to pay.

costs of these proceedings shall be paid in the manner provided in the preceding section. The proceedings provided for by this section may be begun at any time before the final discharge of said patient from said asylum, and not afterwards; and recovery thereunder may be had for the expenses incurred on behalf of such insane person during the entire period or periods such insane person has been a patient in said asylum.

When proceedings may be begun.

In re Beers, 148 / 304.

(183) SEC. 21. When any insane person in indigent circumstances shall have been maintained by his friends in the asylum as a private patient for three months, and the medical superintendent shall certify that he is insane and requires further treatment, the friends by whom he has been so maintained may petition the probate court, stating the facts and praying that his order for admission be changed from that of a private patient to that of a public patient. Notice of the time and place of hearing on said petition shall be served on the prosecuting attorney of the county not less than six days before the hearing. The court shall investigate the facts and circumstances of the case, and, if deemed proper, may make an order changing the order of admission of such person from that of a private patient to that of a public patient. (A certified copy of such order shall be at once sent to the medical superintendent and prosecuting attorney of the county.) The prosecuting attorney may at any time thereafter take such proceedings to reimburse the state out of the estate of the insane person as are provided for in section nineteen, or to require the relatives of such insane person who are legally liable for his support, to reimburse the state as provided in section twenty.

When patient supported by friends may be changed to public patient.

(184) SEC. 22. If any person shall be admitted as a public patient, his order for admission may be changed to that of a private patient by executing and delivering to the probate court the bond and advance payment for his support mentioned in section sixteen. The probate court shall thereupon make an order changing the admission of said person from a public to a private patient, and shall send a certified copy of such order, with such bond and advance payment to the medical superintendent, and thereafter such person shall be held as a private patient. All the provisions of said last named section, as to justifying anew by the persons executing said bond or giving of a new bond, shall apply to the bond so given, and in the same manner and with the same effect as if said bond had been given when the order of admission was made.

When public patient may be changed to private.

(185) SEC. 23. If any member of the Michigan soldiers' home shall be adjudged insane, in pursuance of this act, he may be ordered admitted to one of said asylums as a public patient. He shall not thereby lose his connection with the

Admission of members of soldiers' home.

STATE OF MICHIGAN.

Admission of inmates of certain state institutions.

said Michigan soldiers' home, and the proper officers of said soldiers' home shall claim from the general government any proportion of the cost of maintaining such insane inmate to which said soldiers' home is entitled by law. The expenses of the examination and transportation of such insane inmate to such asylum shall be paid by the state.

(186) SEC. 24. Whenever the superintendent of the industrial school for boys, the state industrial home for girls, the state public school at Coldwater, or any other charitable institution supported by the state, shall certify to the probate court of the county in which such school, home or institution is situated, that in his opinion any inmate thereof has become insane, such court shall immediately fully investigate the facts in the case as to the question of insanity. It shall cause such inmate to be personally examined by two reputable physicians to be appointed by the court, who shall have the qualifications hereinbefore prescribed, and in its discretion shall call such other credible witnesses as it may deem useful, and it shall have power to compel the attendance of witnesses. If such inmate shall be found and adjudged to be insane, the court shall immediately issue an order for his admission as a public patient to the asylum of the district in which such school, home or institution is situated. Whenever any such inmate shall have been restored to his normal condition, the medical superintendent of the asylum to which he was admitted shall so certify in writing to the superintendent of said school, home, or institution, who shall forthwith, on receiving such certificate, send for and receive back such inmate into said school, home or institution. The expense of such examination and proceedings, and of removing said inmate to and from the asylum, shall be audited by the board of state auditors and paid from the general fund on the certificate of the probate court, medical superintendent of the asylum, superintendent of the school, home or institution having knowledge of the facts.

When patients may be sent to chartered private asylums.

(187) SEC. 25. Whenever the asylums of the state have the number of patients for which they were constructed, or whenever they are unable to receive any patients on account of the lack of room, the court is authorized to make an order for the admission as a public patient, of any person who has been adjudged to be insane, to any private asylum duly chartered in this state with which a contract for the care and maintenance of public patients has been entered into. The board of state auditors is authorized to enter into such contract at a rate per capita not exceeding the cost per capita of the care and maintenance of public patients in the asylums of the state of the district in which such private asylum is located: Provided, That no bills shall be allowed under any such contract, except upon the certificate of the state board of corrections and charities that

Who to make contracts.

Proviso.

such insane persons have received proper care and treatment.

(188) SEC. 26. Whenever any person alleged to be insane who is not a resident of this state shall be received in any private institution, hospital, home or retreat, for the care and treatment of mental diseases, the probate court of the county in which said institution, hospital, home or retreat is located, is authorized and required, on application being made to him by an officer of such institution, hospital, home or retreat, or as provided in section sixteen of this act, to appoint medical examiners, institute an inquest and proceed in such case as provided in said last named section. If such person shall be found and adjudged to be insane, the court may issue an order for his admission as a private patient to such institution, hospital, home or retreat. ^{Proceedings in case of receipt of non-residents by private institutions.} The expense of such examination and inquest shall be defrayed by the institution, hospital, home or retreat in which such person has been temporarily received.

(189) SEC. 27. It shall be the duty of the medical superintendent of any asylum for the insane of the state to make application to the board of trustees governing the asylum of which he is superintendent to transfer any insane person or persons under treatment in said asylum, who are supported by the state, who exhibits unmistakable, dangerous or homicidal tendencies, rendering his or her presence a source of danger to others. And it shall be the duty of the said board of trustees to investigate all the facts and report to the governor, who may, in his discretion, order the transfer of such person or persons to the state asylum. The expense attending the transfer of such person or persons shall be chargeable to the state of Michigan. ^{Relative to transfer of dangerous patients.}

(190) SEC. 28. All persons who are being kept and maintained in said asylums at the expense of the state or any county, when this act takes effect, shall thereafter be kept and maintained in said asylums as public patients, at the expense of the state. ^{Public patients, how kept.}

(191) SEC. 29. Persons who are residents of this state and who are afflicted mentally, or with serious nervous disability, but who are not insane, may be admitted to the hospitals connected with the asylums, as voluntary patients, at the discretion of the medical superintendent, under special agreement, when there is room for such voluntary patients therein, after providing ample accommodations for all public and private patients entitled to admission to said asylum. The rate of charge for private patients, and the rules for the admission of private patients, so far as not inconsistent, shall apply to voluntary patients. But no order of probate court for such admission shall be necessary. At or before the time of the admission of such voluntary patient, there shall be presented to the medical superintendent a certificate, signed by two reputable physicians having the qualifications prescribed in this act, that such person is afflicted ^{When persons not insane may be admitted.} ^{Certificate for admission, how made.}

mentally or with serious nervous disability and needs asylum treatment, but is not insane. Such certificate shall be accompanied by a certificate from the county clerk in the form prescribed in section fifteen of this act. Such voluntary patients, when so received, shall be subject to the general rules and regulations of the asylum. The amount agreed upon for the maintenance of such voluntary patients in the asylum shall be secured by a properly executed bond to be approved by the medical superintendent, and bills therefor shall be collected monthly. Voluntary patients so received, may be discharged at any time by the medical superintendent. Indigent patients may, by action of the board of trustees, be admitted as voluntary patients under such rules and regulations as they may prescribe therefor. In case any voluntary patient in any asylum of this state is believed to be insane, the father, mother, husband, wife, brother, sister or child of such voluntary patient, or the sheriff or any superintendent of the poor, or supervisor of any township, or any peace officer within the county in which such voluntary patient lives, or the medical superintendent, or assistant medical superintendent, of such asylum in which such voluntary patient may be held, may petition the probate court of the county in which such alleged insane person lives for the admission of such patient into an asylum as a public or private patient, whereupon such proceedings shall be had as are provided by section sixteen of this act.

When may be discharged.

In case believed to be insane.

When non-residents may be admitted.

In cases of escape of patients.

Medical superintendent may discharge.

Patients recovered.

When not detrimental to public welfare.

(192) SEC. 30. The asylums are intended for the benefit of the bona fide residents of the state. A non-resident may be admitted to an asylum to receive such temporary care as he may require, pending his return to his home. The board of trustees shall cause any person who has been admitted to an asylum, but who has not acquired a legal settlement in this state, to be removed as soon as possible to the country or state to which he belongs. The actual and necessary expenses of such removal shall be audited by the board of state auditors and paid from the general fund in the state treasury upon vouchers certifying to the circumstances of such removal and showing in detail the expenses thereof.

(193) SEC. 31. If a patient shall escape, the medical superintendent shall take all proper measures for his apprehension, and he may offer a reasonable reward therefor. The expense of the recapture of a private patient shall be paid by the person responsible to the asylum for his care and maintenance, and of a public patient shall be paid by the asylum and shall be a charge against the state, to be included in its quarterly bills.

(194) SEC. 32. The medical superintendent may discharge any patient in the following cases:

First, A patient who, in his judgment, is recovered;

Second, Any patient who has not recovered, but whose discharge, in the judgment of the superintendent, will not be detrimental to the public welfare, nor injurious to the patient:

Provided, however, That before ordering such discharge, ^{Proviso as to notice.} the superintendent shall send notice by mail to the friends of such patient or to the superintendent of the poor of the county whence he came, and if such patient is not removed within ten days thereafter, he shall be returned to his home and friends or to the superintendent of the poor of said county. When the superintendent is unwilling to discharge an unrecovered patient upon request, and so certifies in writing, giving his reasons therefor, the probate court of the county from which the patient was admitted into the asylum may, upon such certificate, and an opportunity for hearing thereon being accorded the superintendent, and upon such other proofs as may be produced, direct, by order, the discharge of such patient, upon such security to the people of the state as the court may require, for the good behavior and maintenance of the patient. A certified copy of the order shall be delivered to the superintendent of the asylum from which the patient is discharged. The superintendent may grant a parole to a private patient, not exceeding thirty days at any one time, under general conditions prescribed by the board of trustees. Such parole shall not affect the validity of the bond given for the support of such patient. A patient who has been discharged by the medical superintendent may, with the approval of the superintendent, be readmitted to the asylum under the original order of admission at any time within six months after the date of such discharge, but thereafter he shall only be readmitted upon a new adjudication of insanity and a new order for admission. If the patient has been discharged by order of any court, or has been found restored to soundness of mind as provided in section thirty-four, he shall not again be admitted to the asylum except upon a new adjudication and order for admission.

(195) SEC. 33. No patient shall be discharged without suitable clothing; and if it cannot otherwise be obtained, the steward shall, upon the order of the medical superintendent, furnish the same and money not exceeding twenty-five dollars to defray his necessary expenses until he can reach his relatives or friends, or find employment to earn a subsistence.

(196) SEC. 34. When any person shall have been adjudged insane and shall have been discharged from or shall not have been received into any asylum, home or retreat, petition may be presented to the court making such adjudication for a finding and order declaring such person restored to soundness of mind. Upon the presentation of such petition to such court by the person so adjudged insane, or by the person making the application for such adjudication, the court shall fix a time for hearing thereon, and in case the application is made by the person adjudged insane, shall cause notice of such hearing to be given to the person who applied for such adjudication, if he be found in said county, and may cause such further notice to be given as to the court

When probate court may direct discharge.

When parole may be granted to private patients.

When patients may be readmitted.

What to furnish discharged patients.

When person declared restored to soundness of mind.

Proviso as to testimony.

seems proper. If, upon the hearing of such petition, the court, from the testimony given, shall find such person restored to soundness of mind, an order shall be entered declaring him sane: Provided, however, That the testimony of at least two reputable physicians, establishing the sanity of such person, shall be required before the finding of the court and entering of such order.

Insane entitled to writ of habeas corpus.

(197) SEC. 35. Anyone in custody as an insane person in any asylum, home or retreat, is entitled to a writ of habeas corpus, upon a proper petition to the circuit court of the county in which said asylum, home or retreat is situated, made by him or some friend in his behalf. Upon the return of such writ, the fact of his sanity shall be inquired into and determined. The medical history of the patient, as it appears in the books of the asylum, home or retreat, shall be given in evidence, and the superintendent or medical officer in charge of the institution wherein such person is held in custody, and any other proper person, shall be sworn touching the mental condition of such person.

When unlawful to confine in almshouse.

(198) SEC. 36. After sufficient room shall have been provided in the asylums for all public patients, it shall be unlawful for county superintendents of the poor or any other authorities to confine any insane person in the county almshouse.

Criminal insane, where sent.

(199.) SEC. 37. All persons who shall be adjudged insane, and who, before such adjudication, shall have been convicted of crime or shall have been confined in the state asylum at Ionia as a patient, or who, at the time of such adjudication, shall be in confinement on a criminal charge, shall be admitted to the state asylum at Ionia. If any such person shall be admitted to any of the other asylums, the medical superintendent thereof may cause him to be removed to the state asylum where he shall be received and admitted as a patient.

Relative to care of patients on way to asylum, etc.

(200) SEC. 40. All officers sending a patient to the asylum, shall, before sending him, see that he is in a state of bodily cleanliness and comfortably clothed, as prescribed in the by-laws of the asylum. Each female admitted to any asylum shall be accompanied by a female attendant of reputable character and mature age, unless accompanied by her father, brother, husband or son. Any person or officer who shall bring a female patient to the asylum in violation of the last preceding provision of this section, or who shall, under the provisions of law, or otherwise, bring or accompany any patient to the asylum, and not in due time deliver him into the lawful care and custody of the proper officer of the asylum, taking his receipt therefor, if he be admitted, or who shall wilfully leave, abandon, neglect or abuse such patient, either in going to or returning from the asylum, shall be deemed guilty of a misdemeanor.

Reports to be made to the board of corrections and charities.

(201) SEC. 41. The superintendents of the poor in each county shall transmit to the secretary of the board of corrections and charities on the first day of July in each year the

name and age of each insane person in the poorhouse of the county or elsewhere, receiving county aid in any form. Every county, city or town officer to whom application for aid, in behalf of any insane person, shall be made, shall at once report the name and age of such insane person to the secretary of the board of corrections and charities. The medical superintendents of the several asylums shall report quarterly to the secretary of the board of corrections and charities the names and ages, the date and circumstances attending the discharge, removal, escape or death of all public patients. The board of corrections and charities shall provide for the careful registry, by its secretary, of all facts communicated in compliance with this section.

(202) SEC. 43. No public or private patient in said asylums shall be allowed to execute any contract, deed, will or other instrument, unless such execution shall have first been allowed and approved by an order to be entered of record by the court admitting him to said asylum, and a certified copy of such order shall be furnished to the medical superintendent at the time of the execution of such contract, deed or instrument. Such order of the probate court shall be prima facie evidence only of the capacity of such patient to make such instrument.

(203) SEC. 52. The terms "insane" or "insane persons" as used in this act, include every species of insanity and extend to every deranged person, and to all of unsound mind other than idiots and imbeciles, and shall exclude epileptics whenever provision shall be made by law for their care in separate institutions; the word "oath" includes affirmation; "institution" may mean either of the Michigan asylums, and "institutions" means all of said asylums; the word "estate" includes income, annuity and pension; and "indigent person" means one who has not sufficient property to support himself while insane, and those who have a moral or legal right to maintenance out of his estate; a word denoting the singular number is to include one or many, and every word importing the masculine gender may extend to and include females. Every provision of this act applies equally to all the Michigan asylums, excepting where one or the other is specially designated, and also excepting the state asylum unless it is specifically mentioned.

When inmates
allowed to
execute
deeds, etc.

Certain terms
defined.

STATE OF MICHIGAN.

AN ACT to organize a state psychopathic hospital, to provide for the management thereof, and making an appropriation therefor, and to repeal act one hundred sixty-one of the public acts of nineteen hundred one and act one hundred forty of the public acts of nineteen hundred five.

[Extract from Act 278, P. A. 1907.]

The People of the State of Michigan enact:

Psychopathic ward, how equipped and purposes.

(204) SECTION 1. The psychopathic ward at the university of Michigan hospital shall be a state hospital specially designed, equipped and administered for the care, observation and treatment of insanity, and for those persons who are afflicted with abnormal mental states but are not insane.

State Psychopathic Hospital.

(205) SEC. 2. It shall be known as the state psychopathic hospital at the university of Michigan and shall be located at Ann Arbor.

Patients, how divided.

(206) SEC. 15. Patients admitted to the psychopathic hospital are divided into two classes:

Public.

First, Public patients are such as are kept and maintained by the state;

Private.

Second, Private patients are such as are kept and maintained without expense to the state.

Act governing admission.

(207) SEC. 16. Sections fifteen and sixteen of act two hundred seventeen, public acts of nineteen hundred three, shall apply to the patients admitted to the psychopathic hospital at the university of Michigan, in all particulars not provided for in this present act.

See Compiler's sections 177 and 178.

Patients admitted.

(208) SEC. 17. Patients may be admitted to the psychopathic hospital at the university of Michigan in accordance with the following provisions:

Persons adjudged insane under certain act.

First, Persons adjudged insane according to the provisions of act two hundred seventeen, sections fifteen and sixteen, public acts of nineteen hundred three, may be committed to the psychopathic hospital at the university of Michigan, whenever, in the opinion of the judge of probate, it may be deemed advisable: Provided, That before such patient be sent to said hospital, he shall obtain the approval of the director of the psychopathic hospital for such action. But, if an insane patient committed to the psychopathic hospital cannot be received because of lack of room, he shall be committed to the proper asylum in the district in which he resides and receive treatment until there is room for him at the psychopathic hospital, and if it appears in the course of his treatment in such asylum that he would not probably be benefited by treatment at the psychopathic hospital, he shall remain at said asylum. In all orders made by the judge of probate for the admission of an insane person to the psychopathic hospital at the university of Michigan, it shall be specified that in case such patient shall not recover after

Proviso.

Lack of room.

Orders of Judge, what to specify.

a satisfactory period of observation and treatment, or whenever, in the opinion of the director of the psychopathic hospital at the university of Michigan, further residence in said hospital is inadvisable, such patient shall be transferred to the asylum in the district of which said patient was a legal resident or to such other asylum as the judge of probate may designate in such order of committal: Provided, That whenever an insane person is to be so transferred, due notice of such transfer shall be given to the judge of probate and the person making application for such admission and to the superintendent of the asylum to which such patient is to be transferred;

Second, When, in accordance with section sixteen, act two hundred seventeen, public acts of nineteen hundred three, in the hearing as to the insanity of a person, it may seem advisable to the court, that on account of doubt as to the sanity or insanity of a person, or if in the opinion of the court, a permanent order of insanity is inadvisable, or if in the opinion of the court and examining physicians, the case presents complicating diseases which may be treated by the clinical physicians in the general hospitals of the university, and by such treatment their mental or nervous disability be cured or benefited, the court may continue said hearing in said court not to exceed thirty-five days, and direct that such person shall be sent to the psychopathic hospital at the university of Michigan, as a public or private patient, as a person afflicted with some nervous or mental disease and that said person be there confined, observed and treated for a period not longer than thirty-five days. Before the expiration of this period the director of the psychopathic hospital shall return to the judge of probate the results of his observation and treatment of said patient, and an opinion stating whether said patient, is insane or sane. If observation has shown that the patient is insane, then the court shall notify said patient, the relatives and the person making the application for said admission to an asylum, and may pass judgment of insanity and order that said person be confined as an insane patient in the psychopathic hospital at the university of Michigan, or in the state asylum for the insane in the district of which said patient is a legal resident, or in such other asylum for the insane in the state of Michigan as may seem advisable; and it shall thereupon be further ordered that said patient be transferred to the state asylum for the insane of the district of which said patient was a legal resident, or to such asylum as said judge of probate may designate, when in the opinion of the director of the psychopathic hospital further residence in said hospital would not result in recovery or would be inadvisable: Provided, That whenever an insane patient is to be transferred to an asylum in accordance with such provision, due notice of the intention of such transfer shall be given to the judge of probate, the person making application for the admission

*Proviso,
notice of
transfer.*

*when court
may order
limited com-
mitment.*

*Report of ob-
servation.*

*In case per-
son insane.*

*Proviso.
Transfer to
asylum.*

Discharge
from hos-
pital.

of said patient into an asylum, and the superintendent of the state asylum for the insane, to which said patient is to be transferred. If the results of the observation of said person show that, in the opinion of the director of the psychopathic hospital, said person is not insane, then the order for confinement, observation and treatment shall be vacated and the patient discharged from the psychopathic hospital;

Private pa-
tients, ad-
mission of.

Third, Persons who are residents of the state of Michigan, who are afflicted mentally, or with serious nervous disorder, but who are not insane, nor been legally adjudged insane, may be admitted to the psychopathic hospital at the university of Michigan as voluntary patients, either at the discretion of the director of said hospital, or in accordance with the statutes providing for the admission of voluntary patients to the Michigan state asylums for the insane. Such voluntary patients, when so received, shall be subject to the general rules and regulations of the psychopathic hospital. All voluntary patients shall be supported without expense to the state, and the amount agreed upon for the maintenance of such voluntary patients in the psychopathic hospital shall be secured by a properly executed bond to be approved by the medical director, and there shall be made such advance payments as may be required by the action of the board of trustees of the psychopathic hospital at the university of Michigan, and bills for their maintenance shall be collected monthly. Voluntary patients so received may be discharged at any time by the medical director, and in case any voluntary patient in the psychopathic hospital at the university of Michigan is believed to be insane, then proceedings shall be carried out as provided for such contingency by act two hundred seventeen, section twenty-nine, public acts of nineteen hundred three;

Discharge, etc.

Inmate at
asylum may
be treated
at hospital.

Fourth, In case the superintendent of any one of the asylums for the insane in the state of Michigan shall be of the opinion that the condition of mind of any person who is confined in such asylum may be benefited by residence and treatment at the psychopathic hospital at the university of Michigan, he may cause said patient to be conveyed to said hospital, and, in case said patient, while there confined, shall be restored to sanity, such patient shall be discharged; but, in case such patient shall be found incurable, such patient may be returned to the asylum from which said patient was received, or may be discharged or paroled from the psychopathic hospital by its director, with the consent of the superintendent of the asylum from which such patient was received. Whenever, in accordance with the above provisions, a patient shall be transferred from any asylum to the psychopathic hospital, the superintendent of such asylum shall notify the guardian, if any, of such patient and the judge of probate of the county of which such patient was a resident, and when said patient is discharged, paroled or returned to the asylum from which said patient was received, the director

In case pa-
tient cured.

Incurables.

Relative to
transfer from
asylum.

of the psychopathic hospital shall inform said guardian, if any, and the judge of probate, before taking such action.

(209) SEC. 19. All expenses for transfers between the asylums and the psychopathic hospital at the university of Michigan, shall be borne by the state in the case of public patients, and by those responsible for their support in the case of private patients.

(210) SEC. 22. The state shall pay to the psychopathic hospital all expenses for keeping and maintaining public patients therein, including their clothing and all other expenses of said hospital for said public patients, and during the first year of the patient's confinement as a public patient, the state shall collect from the county treasurer of the county in which said patient was a legal resident, such daily rate as may be annually fixed at the joint meeting of the boards of trustees of the state asylums for the insane and the board of state auditors, as the daily rate for the maintenance of public patients in the asylum located in the district of which such patient was a legal resident, and in addition thereto, the cost of clothing, transportation and elopement expenses and moneys furnished in accordance with section thirty-three, act two hundred seventeen, public acts of nineteen hundred three.

See section 195.

(211) SEC. 24. Every public patient, if he has an estate sufficient for that purpose, and, if not, such relatives as are legally liable for the support of such patient, shall be liable to the state for all expenses paid by it in the behalf of such patient.

CHAPTER VIII.

Home for Feeble-Minded and Epileptic.—Michigan School for Deaf.—Michigan School for Blind.—State Asylum.—Maintenance of patients in State Asylum.

AN ACT to establish a home and training school for the feeble-minded and epileptic, and making an appropriation for the same.

[Extract from Act 209, P. A. 1893.]

(212) § 2045. SEC. 20. All feeble-minded and epileptic persons, above the age of six years, who are legal residents of the state of Michigan, may, in the discretion of the board, be admitted to said home without charge for tuition, boarding, washing, medicine or medical attendance. But where the parents or guardians of any person or persons who may be admitted are able to contribute to their support, in whole or in part, they may be required to do so under uniform rules to be

To whom preference may be given.

established by the said board of control. In the selection of inmates preference shall be given to indigent or pauper orphan children, and when this class is provided for, such others may be admitted for whom application may be made whenever suitable accommodations have been provided; and when these classes are provided for, other feeble-minded and epileptic persons may be received into said institution as the board of control may by their rules and regulations approve and direct.

Exempt from serving on juries.
Board may assist indigents.

(213) § 2050. SEC. 25. The superintendent of the home and all employees actually employed therein shall be exempt from serving on juries. In cases where persons, residents of this state who are imbecile, epileptic, or feeble-minded, and who are entitled to admission to the home, and who on account of their poverty, are unable to furnish themselves, and whose friends are unable to furnish them with suitable clothing, traveling and other necessary expenses for attendance at the home, the board of control shall have discretionary power to render such assistance not exceeding forty dollars in any one year for each person, and for that purpose may issue a certificate directed to the auditor general, that such amount is necessary for the benefit of such individuals, who shall draw his warrant upon the state treasurer therefor, and any such sums are hereby appropriated, and shall be paid out of any moneys in the general fund not otherwise appropriated. And the auditor general shall charge all such moneys as drawn, to the county of which such person is a resident, or to which he or she belongs, to be collected and returned to the general fund as any state taxes are required by law.

How paid.

(214) § 2051. SEC. 26. The superintendents of the poor in each of the counties of the state in which there are or shall be persons of this class eligible to admission to this home by the provisions of this act, who have no contagious disease, and who are, or shall become chargeable to said county, or to any township therein, shall cause all, or any such persons to be taken to the home for the feeble-minded and epileptic and to be taken into the custody and care of said home, in accordance with the rules and regulations of said home. No person, however, shall be admitted to said home, until a certificate of admission has been issued for the admission of said person by some officer of said home duly authorized by the board of trustees to issue such certificate.

Duty of superintendents of poor.

Must issue certificate.

To be transported at expense of county.

(215) § 2052. SEC. 27. The superintendents of the poor shall cause any and all such persons to be taken to the home for the feeble-minded and epileptic at the expense of the county, and to be taken into [the] custody and care of the school in accordance with the rules and regulations of said home.

Patients must be clean and well clothed.

(216) § 2053. SEC. 28. The superintendents of the poor in every case before taking or sending any person to said home as provided in sections twenty-five and twenty-six of this act, shall see that such person is in a state of perfect bodily cleanliness, and comfortably and decently clothed.

AN ACT to provide for the maintenance, management and control of the Michigan school for the deaf, and to repeal all laws inconsistent herewith.

[Extract from Act 116, P. A. 1893.]

(217) § 2005. SEC. 16. In cases where persons, residents of this state, who are deaf and dumb, but who, on account of their poverty, are unable to furnish themselves with suitable clothing and other necessaries for attending school at the institution for the deaf and dumb, the board of trustees shall have discretionary power to render them such assistance, not exceeding forty dollars per annum for each person, and for that purpose may issue a certificate, directed to the auditor general, that such amount is necessary for the benefit of such individuals, who shall draw his warrant upon the state treasurer therefor; and any such sums are hereby appropriated and shall be paid out of any moneys in the general fund not otherwise appropriated, and the auditor general shall charge all such moneys as drawn to the county of which such person is a resident, or to which he or she belongs, to be collected and returned to the general fund as any state taxes are required to be by law.

(218) § 2006. SEC. 17. The superintendents of the poor in each of the counties of this state in which there are, or shall be hereafter, any person or persons of suitable age, who shall possess a good natural intellect and a good moral character, and shall have no contagious disease, who shall be deaf and dumb, or partially deaf and dumb, and who shall be, or shall become chargeable to said county, or to any township therein, shall cause any and all such persons to be taken to the Michigan school for the deaf, at the city of Flint, to be there educated as pupils in said institution in accordance with the rules and regulations thereof.

(219) § 2007. SEC. 18. Such superintendents of the poor, in every case, before taking or sending any person to said institution, as provided in section seventeen of this act, shall see that such person is in a state of perfect bodily cleanliness, and comfortably and decently clothed, and provided with suitable changes of raiment; and they shall thereafter, during the years that such person shall continue a pupil in said institution, furnish him or her with such clothing and other articles of necessity and convenience as are, or may be by the rules and regulations of said institution, required to be furnished for pupils therein; and shall provide for the payment of necessary traveling and other expenses of such person in going to and from said institution and while remaining there; and if they shall allow such person to remain at said institution during the yearly vacation they shall pay for his or her board during such vacation. No pupil of such institution shall be returned to any poorhouse during such vacation.

(220) § 2008. SEC. 19. The expenses incurred by the superintendents of the poor of any county in carrying out the

When deaf and
dumb are in-
dgent.

Duty of the
superintend-
ents of the
poor.

Pupils to be
suitably
clothed.

Traveling and
other
expenses.

Expenses, how
paid.

provisions of this act shall be paid as other necessary expenses incurred by them in the discharge of their official duties as are by law required to be paid.

AN ACT to provide for the maintenance, supervision and government of the Michigan school for the blind, and to repeal all acts and parts of acts inconsistent herewith.

[Extract from Act 123, P. A. 1893.]

Superintendents of the poor, duties of.

(221) § 2016. SEC. 8. It shall be the duty of the superintendents of the poor of the several counties of this state to send or cause to be sent to said school all such persons as are entitled to admission therein, who are a charge upon their respective counties or any township therein. Such superintendents of the poor shall, before sending any pupils to said school under the provisions of this section, cause them to be decently and comfortably clothed, and shall provide them with comfortable clothing while they remain at said school, and defray their traveling expenses in going to and returning from said institution, and provide them with such articles of necessity and convenience as are required by the rules and regulations of said school to be furnished by the pupils therein, and shall also pay the board of such pupils during the usual annual vacation, if they are permitted to remain at said institution during such vacation. All persons entitled to admission to said school who are not a charge upon any county, but who, on account of their poverty, are unable to furnish themselves with proper clothing and other articles required by the rules and regulations of said school, shall receive the same aid from the superintendents of the poor of their respective counties while attending said school as is provided in this section for those who are a county charge. All expenses incurred by the superintendents of the poor under this section shall be a proper charge against their respective counties and shall be defrayed out of the poor fund of such county.

Children who are not a county charge, receive the same treatment.

When blind persons are indigent, duty of the board.

(222) § 2018. SEC. 10. In all cases where persons, residents of this state, who are blind, but who, on account of poverty, are unable to furnish themselves with suitable clothing and other necessary expenses for attending school at the Michigan school for the blind, the board of control shall have discretionary power to render them such assistance, not exceeding fifty dollars per annum for each person, and for that purpose may issue a certificate, directed to the auditor general, that such amount is necessary for the benefit of such individuals, who shall draw his warrant upon the state treasurer therefor; and any such sums as are hereby appropriated, shall be paid out of any moneys in the general fund not otherwise appropriated, and the auditor general shall charge all such

moneys so drawn to the county of which such person is a resident, or to which he or she belongs, to be collected and returned to the general fund, as any state taxes are required to be by law.

AN ACT to provide for the government of the Michigan asylum for dangerous and criminal insane (a) and the inmates therein, and to repeal * * *

[Extract from Act 124, P. A. 1893.]

(223) § 1975. SEC. 22. Every insane person supported in the asylum shall be personally liable for his maintenance therein, except as in case of convicts who are serving sentences as provided in a subsequent section, and for all necessary expenses incurred by the institution in his behalf, and the guardian, relative, city, town or county that would have been bound by law to provide for and support him, if he had not been sent to the asylum, shall be liable to pay the expenses of his clothing and maintenance in the asylum, and actual necessary expenses to and from the same.

(224) § 1976. SEC. 23. The expense of the clothing and maintenance in the Michigan asylum for dangerous and criminal insane, of a patient who has been received upon the order of any court or officer, shall be paid by the county from which he was sent to the asylum, for a period of two years; likewise his actual and necessary expenses to and from the same. The treasurer of the said county is authorized and directed to pay to the treasurer of the said asylum the bills for such clothing and maintenance, as they shall become due and payable, according to the by-laws of the asylum, upon the order of the medical superintendent; and the supervisors of said county shall annually levy and raise the amount of such bill, and such further sum as will probably cover all similar bills for one year in advance. Said county, however, shall have the right to require any individual, town or city that is legally liable for the support of such patient, to reimburse the amount of said bills with interest.

(225) § 1977. SEC. 24. Every town or county paying for the support of an insane person in the said asylum or for his expenses in going to and from the same shall have the like rights and remedies to recover the amount of such payment, with interest from the time of paying each bill, as if such expenses had been incurred for the support of the same at other places under existing laws.

(226) § 1983. SEC. 30. The bills for the maintenance, clothing and other charges of all state patients shall be rendered quarterly to the auditor general in the same manner as bills are rendered to county treasurers for the support of pa-

(a) Name changed to "State Asylum."

How paid. tients at county charge, and shall be paid by the state treasurer to the treasurer of the asylum on the warrant of the auditor general, out of any moneys belonging to the general fund. *

AN ACT to provide for the payment for maintenance of certain patients in the state asylum at Ionia.

[Act 7, P. A. 1901.]

The People of the State of Michigan enact:

Patients, how maintained.

(227) SECTION 1. Whenever any patient in the state asylum the expense of whose maintenance has been wholly paid by the county, responsible for his or her maintenance for a period of one year, whether such period shall have been continuous or interrupted, shall from and after the close of such period of one year, be maintained by the state so long as he or she is retained in said asylum. Any patient recommitted to the asylum, the expense of whose previous maintenance has been paid by any county for a period of one year, shall not again be maintained at the expense of any county, but by the state. Any patient received from any asylum in the state whose maintenance has been paid by any county for a period of one year or less than one year, the time spent in such asylum shall be computed the same as if the patient had been originally committed to the state asylum.

Patients re-committed to asylum, expense, how paid.

Patients from other asylums, time, how computed.

Sec. 2 repeals contravéning acts.

CHAPTER IX.

State Sanatorium.—Contracts for cure of drunkenness, etc.—Prevention of rabies in indigent persons.—Abandonment of wife and children.—Exemption of property from taxation.—Powers of cities and villages.

AN ACT to establish a state sanatorium in some suitable locality in Michigan, for the care and treatment of persons having tuberculosis, and making appropriations therefor, and to provide a tax to meet the same.

[Extract from Act 254, P. A. 1905.]

Persons who may be admitted.

Two classes.

(228) SEC. 15. There shall be received into said sanatorium, such persons as shall be proved by proper bacteriological or clinical examination to be suffering from tuberculosis. Such patients shall be of two classes, namely, first, persons resident of this state who on account of their poverty are un-

able to pay the necessary expenses for residence at said sanatorium; and second, residents of this state who are able to pay such fees as shall be fixed by the board of trustees.

(229) SEC. 16. In case of any person designated in section fifteen under the first class, after such persons shall have furnished a certificate of the superintendent of the poor of their county or township, approved by the judge of probate of said county, that such person belongs in said first class, the board of trustees shall have discretionary power to pay their necessary expenses, not less than five dollars nor more than seven dollars per week, and may issue a voucher properly itemized and sworn to the auditor general that such amount has been expended for the benefit of such person, whereupon the auditor general shall draw his warrant on the state treasurer therefor, and any such sums are hereby appropriated, and shall be paid out of any moneys in the general fund not otherwise appropriated, and the auditor general shall charge all such money to the county of which such person is a resident or to which he or she belongs, to be collected quarterly and returned to the general fund in the state treasury.

When board
to pay
expenses of
patient.

(230) SEC. 17. Any superintendent of the poor, in any county of this state, may send, or cause to be sent, with the approval of the judge of probate of said county, to the sanatorium any person who, under the rules of the sanatorium, is entitled to admission therein, who is a charge upon the county. Before sending any patient to the sanatorium, under the provisions of this act, such superintendent of the poor shall correspond with the superintendent of the sanatorium, and conform to the rules established by the board of trustees, and shall cause the patient to be comfortably clothed, and shall provide the patient with suitable clothing while the patient remains at the sanatorium, and shall defray the necessary traveling expenses in going to and returning therefrom, and provide the patient with such articles of necessity and convenience as are required by the rules of the sanatorium.

Auditor
general to
charge to
county.

Superintend-
ent of poor
may send
person.

To furnish
clothing, etc.

(231) SEC. 18. All persons entitled to admission to the sanatorium who are not a charge upon the county, but who, on account of their poverty, are unable to provide themselves with suitable clothing or other necessary articles, shall receive the same aid from the superintendent of the poor of their respective counties while attending the sanatorium as is provided in this act for those who are a county charge. All proper expenses incurred by the superintendents of the poor under this or the preceding section shall be a charge against their respective counties, and shall be defrayed out of the poor fund of such county.

Aid to persons
not county
charge.

Expenses, how
charged.

(232) SEC. 19. The charges for the support of the patients in said sanatorium who are able to pay the same, or have persons or kindred bound by law to maintain them, shall be paid to the medical superintendent by such patients, persons, or

Charges, to
whom paid,
etc.

STATE OF MICHIGAN.

kindred, at a rate to be determined by the board of trustees of said sanatorium.

AN ACT to authorize the boards of supervisors of the several counties of the state of Michigan to make contracts for the cure of drunkenness, the morphine and cigarette habits, and other like addictions.

[Act 68, P. A. 1907.]

The People of the State of Michigan enact:

Any inhabitant may petition for treatment of drunkards, etc.

Petition, what to set forth.

Verification of petition, etc.

When supervisors may make contract for treatment.

Drunkard, defined.

Contract to be made with Michigan institution.

(233) SECTION 1. Any inhabitant of this state may petition the board of supervisors of the county, wherein any indigent person addicted to the excessive use of any intoxicating liquors or of morphia, laudanum, cocaine, opium or other narcotics to such an extent as to become an habitual drunkard, resides, for leave to send such drunkard, at the expense of the county, to any reputable institute for the treatment of such cases, designated by such board of supervisors under the conditions hereinafter contained, which petition shall set forth the name, age and condition of such drunkard, that such drunkard is not financially able to incur the expense of such treatment, and that such habitual drunkard is willing and has agreed to attend such institute for the cure of drunkenness, which petition shall be verified by the person making such request and shall contain in addition thereto the written agreement of such drunkard to take such treatment, if allowed by the board, and a further statement signed by three reputable taxpayers of the county, and the supervisor of the township, ward or village, where such drunkard resides, stating that they are familiar with the facts set forth in the petition and with the financial circumstances of the drunkard and that they deem it a proper case for such action by the board of supervisors.

(234) SEC. 2. When such petition is filed, the board of supervisors may, if satisfied that the facts set forth in the petition are true, make and enter into a contract with the institution for the cure of such cases, for the treatment of the same, and the said board of supervisors shall order that the expense for the treatment, not exceeding one hundred dollars, be paid out of the county treasury in the manner that other claims and bills against the county are paid.

(235) SEC. 3. A drunkard, as defined herein, shall include all persons who use alcoholic, spirituous, malt, brewed, fermented or vinous liquors, or morphia, laudanum, cocaine, opium or other narcotic to such an extent as to deprive him or her of a reasonable degree of self-control.

(236) SEC. 4. Such contract with such institute for the cure of said cases shall be made and entered into with one which is located in the state of Michigan, that can satisfy said board that not less than seventy-five per cent. of the per-

sons having taken a full course of treatment, consisting of not less than four weeks, have been cured and have remained cured for at least one year thereafter.

(237) SEC. 5. Any person who shall be treated at any institute under the provisions of this statute may at any time reimburse the county by paying to the county treasurer the amount thereof, and the treasurer shall give him a receipt for the amount so paid, which receipt shall state that such payment is for reimbursement, as aforesaid, and the amount so paid shall be turned into the general fund.

Persons
treated may
reimburse
county.

Sec. 6 repeals contravening acts.

AN ACT to provide for the prevention of rabies in indigent persons.

[Act 116, P. A. 1003.]

The People of the State of Michigan enact:

(238) SECTION 1. Whenever it shall be proved to the satisfaction of the local board of health that any indigent person or persons within its jurisdiction has been bitten by a rabid dog, or other rabid animal, or in any other manner has been infected with the virus of rabies, said local board of health shall make the necessary arrangements and send said person or persons supposed to be infected with rabies, to the Pasteur institute at the university of Michigan. The necessary expenses thus incurred shall be a charge upon the township, city or incorporated village in which the expense was authorized. Before their payment or allowance all bills for such expenses shall be audited by the local board of health.

When sent to
institute.
Expenses, how
paid.

AN ACT to prevent the desertion and abandonment of wife or children by persons charged by law with the maintenance thereof; to make such abandonment and desertion a felony and to prescribe the punishment therefor; to provide for the care of the dependent wife and children; and to repeal act number thirty-nine of the public acts of nineteen hundred three.

[Act 144, P. A. 1007.]

The People of the State of Michigan enact:

(239) SECTION 1. Any person who deserts and abandons his wife or deserts and abandons his minor children under fifteen years of age and without providing necessary and proper shelter, food, care and clothing for them, shall upon conviction

Penalty for
wife or child
desertion.

Proviso as to
suspended
sentence.

**Proviso as to
modification
of order.**

Wardens to
pay certain
sums for ben-
efit of wife
and children.

**Duty of
superintend-
ents of poor.**

Wife may testify against husband.

Who may
make com-
plaint.

tion be deemed guilty of a felony and punished by imprisonment in the state prison for not more than three years nor less than one year; or by imprisonment in the county jail not more than one year and not less than three months: Provided however, If, at any time before sentence he shall enter into bond to the people of the state of Michigan, in such penal sum and with such surety or sureties as the court may fix, conditioned that he will furnish his wife and children with necessary and proper shelter, food, care and clothing, then the court may suspend sentence therein: Provided, That upon failure of such person to comply with said undertaking he may be ordered to appear before the court and show cause why sentence should not be imposed, whereupon the court may pass sentence, or for good cause shown may modify the order and take a new undertaking and further suspend sentence as may be just and proper.

(240) SEC. 2. When any person is convicted under this act and sentenced to serve a term of imprisonment either in one of the state prisons or in the Detroit house of correction, the warden of the prison or superintendent of said house of correction in which said person shall be confined shall, at the end of each and every week during the period of said term of imprisonment, pay over to any of the superintendents of the poor of the city or county in which the wife or children of such person resides, the sum of one dollar and fifty cents per week, if there be only a wife, and fifty cents per week additional for each minor child under the age of fifteen years, in lieu of any earnings of such person while an inmate therein, said sums to be expended by said superintendent of the poor for the care and support of the wife or children of said person, as the case may be; and it shall be the duty of the superintendents of the poor of the city or county from which such person shall be committed to furnish the warden of the prison or superintendent of said house of correction in which said person is confined, with a sworn statement, showing the names of the wife and children who are left dependent upon the city or county for support, their ages and relation they bear to such convicted person.

(241) SEC. 3. In the hearing of all complaints under this act, the wife may testify against the husband without his consent.

(242) SEC. 4. Any of the superintendents of the poor of the city or county or the county agent of the state board of corrections and charities for the county wherein the wife or minor children of the person complained of reside, may make the complaint.

EXEMPTION OF PROPERTY FROM TAXATION.

[Extract from Act 206, P. A. 1893.]

(243) § 3830. SEC. 7. The following real property shall be exempt from taxation: Real property exempt from taxation.

7. The real and personal property of persons who, in the opinion of the supervisor and board of review, by reason of poverty, are unable to contribute toward the public charges.

AN ACT to provide for the incorporation of cities of the fourth class.

[Act 215, P. A. 1895, Ch. XI.]

(244) § 3107. SECTION 1. Every city incorporated under the provisions of this act, shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, namely: Powers and authority, and exercise thereof.

Thirtieth, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper or other person likely to become a charge upon the city, and to punish therefor. Relative to paupers.

AN ACT to provide for the incorporation of villages within the state of Michigan, and defining their powers and duties.

[Act 3, P. A. 1895, Ch. VII.]

(245) § 2770. SEC. 2. * * * * The council of any village may make such provisions as they shall deem expedient for the support and relief of poor persons residing in the village; and for that purpose may provide, by ordinance or resolution, for the appointment of a director of the poor for the village, and may prescribe his duties and vest him with such authority as may be proper for the due exercise of his duties. Support of poor by villages.

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